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LIBERTIES UNION, INC.

INTERNAL SECURITY

Report compiled for reference purposes on history of ACLU and predecessor organizations from 1911 to 1945 set forth in chronological order. Policy set forth in ACLU is National Committee, composed of 60 members, including WILLIAM E. FOSTER and THOMAS CORLEY PLAIN, Communists, and NORMAN THOMAS, Socialist. Moving spirit in ACLU is its Director, ROBERT N. BALDWIN. He has openly professed before legislative investigating committees, and in print, that he upholds the right of any individual, whether citizen or alien, to advocate murder or assassination, or to advocate the overthrow of the government by force and violence. In the 1934 Harvard College Year Book, BALDWIN is quoted as stating "Communism is the Goal". Members of National Committee of ACLU are also represented on executive committees and boards of directors of numerous other organizations known as "Front" organizations.

-RUC-

Bureau teletype to all offices dated December 1945

Bulky retained per form 4-341 dated 3/25/47

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1947

XEROXED ORIGINAL-RETAIN

AMERICAN CIVIL LIBERTIES UNION--INTERNAL SECURITY--C

Report of Special Agent J. F. Durkin, Jr.,
at Washington, D. C., dated May 27, 1962.

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to the inception of the AMERICAN CIVIL LIBERTIES UNION, INC., on January 12, 1920, certain of its officers and members were active in predecessor organizations. The following is a list of such predecessor organizations:

FORD PEACE PARTY
 AMERICAN NEUTRAL CONFERENCE COMMITTEE
 EMERGENCY PEACE FEDERATION
 FIRST AMERICAN CONFERENCE OF DEMOCRACY AND TERMS OF PEACE
 PEOPLE'S COUNCIL OF AMERICA
 PEOPLE'S FREEDOM UNION
 AMERICAN LEAGUE TO LIMIT ARMAMENTS
 AMERICAN UNION AGAINST MILITARISM
 CIVIL LIBERTIES BUREAU
 NATIONAL CITY LIBERTIES BUREAU

and finally,

AMERICAN CIVIL LIBERTIES UNION

In order to show the nature and field of endeavor of the above organizations, out of which the AMERICAN CIVIL LIBERTIES UNION, INC. was formed, a brief background of these organizations is being set forth, from meagre information now available. To assist in following the activities of subsequent 'guiding lights' in the AMERICAN CIVIL LIBERTIES UNION, their names are underscored where they appear in connection with predecessor organizations. As in the case of branches, committees, and related organizations of the AMERICAN CIVIL LIBERTIES UNION, the predecessor organizations had names of prominent, well-meaning, individuals associated with those organizations.

THE FORD PEACE PARTY

According to the December 5, 1915 issue of the New York "Times", the FORD PEACE PARTY was organized by Madame ROSIKI SCHILLER, of Budapest, Hungary (who subsequently became the first Bolshevik Ambassador from Hungary to Switzerland in 1919, - LUSK report, p. 992). LOUIS LOCHNER acted as general secretary. The party, financed by HENRY FORD, sailed for Stockholm, Sweden.

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December 4, 1915, where the "Conference of Neutral Internationalists and Pacifists" was held from about March to July of 1915. Among the passengers listed in the December 5, 1915 issue of the New York Times were the following:

REVEREND CHARLES F. AKED, San Francisco
WILLIAM C. ELLIOTT, Philadelphia
MRS. ADA MORCE CLARK, Palo Alto, California
EDVIN RALPH CHEMEY
MISS GRACE de GRAFF, Portland, Oregon
MRS. JOSEPH EELS, Philadelphia
P. W. HUERSCH, New York
ELLIS C. JONES, Forest Hills, N. Y.
CHRISTIAN SCRENGER, Nebraska
MRS. G. B. LATUS, Pittsburgh, Pa.
MRS. J. REECE LEWIS, Lansdowne, Pa.
LOLA MAVERICK LLOYD, Chicago
LEWIS MAVERICK, San Antonio, California
ALICE PARK, Palo Alto, California
SENATOR HELEN RING ROBINSON, Denver, Colorado
MRS. MAY WRIGHT SEWALL
MRS. WILLIAM I. THOMAS, Chicago, Illinois
CARL D. THOMPSON
MISS JULIA GRACE WALES, Wisconsin
MISS NORA SMITHMAN, New York City
F. O. VAN GALDER, Rock Island, Illinois
MADAME MALBERG
G. F. HILTON, Chattanooga, Tennessee
THOMAS SELTZER
FREDERICK H. HOLT, Detroit, Michigan

Among those not mentioned on the passenger list but who took the trip were REBECCA SHELLEY, LELLA FAYE SECOR, and several officials of the Ford Motor Company, (LUSK report, p. 983).

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In July of 1916 REBECCA SHELLEY began formally to organize the AMERICAN NEUTRAL CONFERENCE COMMITTEE in New York City, which is the first record of peace activities at work again in the United States after the FORD expedition. (LUSK report, p. 992).

On July 15, 1916 the first appeal was issued for a committee of 100 representative Americans, and was set forth on a letterhead registering the following individuals as officers of the Committee:

HAMILTON HOLT, Chairman
JANE ADDAMS, PROFESSOR IRVING FISHER,
DOCTOR JOHN HARVEY KELLOGG, AND DOCTOR
GEORGE KIRCHSEY, as Vice Chairmen.
BERTHA KUNTE BAKER, B. M. HEUBSCH,
PAUL U. KELLOGG, DOCTOR FREDERICK LYNCH,
LELLA FAYE SECOR, JAMES J. WALSH, DOCTOR;
AND RABBI STEPHEN S. WISE, as members of
the Executive Committee.

In a bulletin sent out by the committee on July 15, 1916, the following quotations outline the ostensible purpose of the committee:

"The American Neutral Conference Committee was organized to bring before the public the idea of a Conference of Neutral Nations irrespective of peace platforms, preparedness and the terms of the war settlement.

"The warring nations assert that their purpose is to make future wars impossible. Guarantees to that end can best be secured by a Neutral Conference. This idea is widely accepted in the neutral countries of Europe, as is attested by the strength of their Neutral Conference Committees, and the enthusiasm of the May 18th demonstrations called to urge governmental action in that direction.

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"CARL LINDHAGEN, Mayor of Stockholm, has a Neutral Conference bill pending in the Riksdag; it passed the Lower House unanimously. Similar bills are pending in the Parliaments of Switzerland and Norway. What about the United States?" (LUSK rpt. p. 994).

were: Among those who accepted service on the committee

JANE ADAMS, TUTER BULBANK, GOVERNOR CAPPER OF KANSAS, REAR ADMIRAL CHAMPLIN, PHILANDER CLAYTON, DR. FRANK CRANE, RENAUD VILLARD, JUDGE BEN LINDSEY, MRS. JOSEPH FELS, PROF. JACQUES LOEB, MRS. PERCY PENNYACKER, THOMAS MOTT OSBORNE, SENATOR HELEN RING ROBINSON, JOHN HAYS HAMMOND, LEO T. ROWE, AND FRANK WALSH. (LUSK report, p. 994)

Until the end of December, 1916 the committee seems to have been largely a paper organization. On December 23, 1916, another form letter signed by BECCA SHELLY was issued. According to this letterhead EMILY GREENE BALCH was now vice-chairman of the Executive Committee, to which the name of JOHN HAYNES HOLMES, Governor ARTHUR CAPPER, and JOHN HAYS HAMMOND had been added. In this letter it was pointed out that the "war and peace situation calls for immediate action". Recipients of the letter were asked to write or telegraph their Congressmen and Senators asking them to support "some such resolution as was introduced a few days ago". (LUSK report, p. 995).

On January 13, 1917, MISS SHELLY sent out a petition for peace, with notices of a meeting in its interests of the American Neutral Conference Committee for January 17th which read in part as follows:

"We are circulating a petition to which hundreds of thousands of names have already been signed. Within the next few weeks we want thousands of

New Yorkers to add their names in order to assure President WILSON that he has the support of the people in any effort he may make towards peace. Organized churches, civic bodies and so forth are cooperating with us. Will you help us get the petition before all the people in your district.....Next Wednesday morning, January 17th, at ten o'clock we will meet in the University Settlement, 184 Eldridge Street, to talk over plans for this vital work." (LUSK report p. 996).

After diplomatic relations with Germany were severed by the United States on February 3, 1917, the officers of the Committee met, and organized the second EMERGENCY PEACE FEDERATION, known as the EMERGENCY PEACE FEDERATION OF 1917. (Page 997 of LUSK report).

EMERGENCY PEACE FEDERATION

According to a letter from REBECCA SHELLY, dated May 16, 1917, to J. BARNARD WALTON of Swarthmore College, and the Religious Society of Friends, the Federation "had its beginning on February 3, 1917, the date Count Von Bernstorff was handed his passports. On that day we formed a little 'keep out of war committee' which held a mass meeting at Carnegie Hall on February 5th. On February 7th the Emergency Peace Federation was more formally organized with the object to 'keep America from war and its attendant consequences'. In the three strenuous months of our existence we have built up a strong national organization and raised over \$76,000, most of which has been spent in advertising."

On February 8, 1917 the American Neutral Conference sent out a bulletin announcing its transformation into the Emergency Peace Federation.

The officers of the Federation were:

MRS. HENRY VILLARD, Chairman; EMILY GREENE
BALCH, LOUIS LOCHNER, ELLA FLAGG YOUNG, AND
PHILLIP S. FLORENCE, Vice Chairmen; DOCTOR
FREDERICK LYNCH, Treasurer; LELLA FAYE SECOR,
Secretary; REBECCA SHELLEY, Field Secretary.

Of the above officers, LOCHNER, SHELLEY, SECOR, AND
BALCH were ex-members of the FORD PEACE NEUTRAL CONFERENCE at
Stockholm. (LUSK rpt., p. 998).

According to a letterhead of the Federation dated
April 7, 1917, the following individuals were new members of
the Executive Board:

JOSEPH D. CANNON, a Socialist leader

MRS. J. SARGENT GRAM

H. W. L. DANA

MRS. ELSIE BORG GOLDSMITH

ROBERT W. HALE

PROFESSOR HARRY OVERSTREET

TRACY MYGATT

DOCTOR HENRY NEUMANN

FRANCES M. WITHERSPOON

(LUSK rpt., p. 1012)

In opposing the proposed Espionage bill in 1917 LOCHNER,
MISS BALCH AND MISS ELIZABETH FREELAN, representing the legisla-
tive committee of the Federation, sent a telegram on April 9, 1917
to its headquarters, reading as follows:

"First hearing on spy bill, 2:30 today. Have
able speakers ready to go down tonight".
(p. 1014, LUSK report).

On the same date LOUIS LOCHNER wrote a letter to MISS
LELLA FAYE SECOR, Secretary of the Federation, from which the follow-
ing is quoted:

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"The big feature of today has been the hearing on the Espionage bill. That bill would have been railroaded though I firmly believe, except for the efforts of our little group here.....What is more, the committee will conduct another public hearing on Thursday, beginning at 10 o'clock in the morning. Now the work that we would unanimously urge most solemnly upon you people in New York is, this: send a group of the very ablest people down here for Thursday - men like GILBERT ROE; ARON PINCHOT, etc..... Let the representatives of labor come here to protest against the bill in its present form.....

"The reason why we feel so strongly about this whole thing is that if the bill passes we fear that we might as well shut up our shop. And another thing! Do not have all the people you send represent the federation but rather a great variety of interests. JOHN HAWES HOLMES and NORMAN THOMAS ought to be two good persons to testify.....This spy bill matter so engrossed us today and was so all important that the other matters of the Congress - Reichstag communications, had to take second place.....

"Another thing, the statement in the papers about the telegram you sent out was as you see given out by 'one of the fifty' who is afraid lest he be identified with us. Now Miss FREEMAN and I after feeling out various members of Congress are of the opinion that these men simply will not enter into closer relations with us; and that your suggestion that KITCHIN and others hold a caucus at which our federation can be represented by a delegation, far from eliciting applause is calculated to make them shy of us." (P. 1015 HSK rpt.)

A letter from one of the officials of the above organization to Senator LaFOLLETTE dated May 16, 1917, reads as follows:

"This is to introduce you to Mrs. J. SARGENT GRAM of New York City, who has been one of the mainstays of the Emergency Peace Federation, and who is now especially devoting herself to the problem of the conscientious objectors. Her home is a rallying point for a great number of young men who are unalterably opposed to war and who are looking to her for guidance as to what course to pursue when once a conscription act has been passed."

(LUSK report, p. 1085)

An Emergency Peace Federation Bulletin dated May 25, 1917 announced that the Federation officials had joined the forces of the FIRST CONFERENCE FOR DEMOCRACY AND TERMS OF PEACE. No further record of the Federation, as such, is found, so that presumably it was absorbed into the Conference at the time of the first meeting of the Conference on May 30, 1917. (LUSK rpt. p. 1030)

FIRST AMERICAN CONFERENCE OF DEMOCRACY AND TERMS OF PEACE

At a meeting on May 4, 1917, an arrangement was reached whereby the officers of the AMERICAN UNION AGAINST MILITARISM and the EMERGENCY PEACE FEDERATION were to cooperate jointly in the interest of the FIRST AMERICAN CONFERENCE FOR DEMOCRACY AND TERMS OF PEACE, set to meet formally at the Holland House in New York on May 30 and 31, 1917. On May 3, 1917 ROGER BALDWIN, Associate Director of the AMERICAN UNION AGAINST MILITARISM wrote a letter to Miss EMILY GREENE BALCH of the EMERGENCY PEACE FEDERATION giving advice as to how similar conferences for "democracy and terms of peace" should be organized in Chicago, San Francisco, and elsewhere. His main points in this letter were as follows:

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"That every effort should be made to get the labor, socialist and farmer group to back these conference meetings, because they will carry most weight with the country and in dealing with similar groups abroad.....That pacifist organizations ought to stand in the background.....More emphasis to be placed on the international aspects of these conferencesIt may be well even to think of sending delegates from our own people's conferences to similar conferences to be held in other countries, particularly Germany and Austria..... Emphasis should be placed upon the cooperation of the peoples - not the governments - on a program of internationalism."

(LUSK rpt. P. 1021-22)

Shortly thereafter the executives of the American Union against Militarism of which ROGER WALDWIN was Associate Director withdrew their names from the Conference. The history of the misunderstandings which led to the withdrawal is rather complicated but in a letter of explanation from LOUIS LOCHNER to MRS. MILITIAN WIED dated May 9, 1917, he indicated that both DR. JUDAH WAGNES and MORRIS HILLQUIT of the Conference objected to the American Union against Militarism being its steering committee. LOCHNER pointed out that the Union was expected to be merely a coordinatin unit of the Conference on equal terms with the Emergency Peace Federation. (LUSK report, p. 1023-24).

Under date of May 19, 1917 REBECCA SHELLEY wrote to DOCTOR C. F. TAYLOR of the "Medical World" at Philadelphia in part as follows:

"The first American Conference on Democracy and Terms of Peace will be held on May 30th. It will formulate a program of principles, and the plan of action on which all supporters of peace and democracy may unite. This program will undoubtedly be in thorough accord with that of the Russian Council of Workmen and

Soldiers. He want the people of America to join hands with the people of Russia in a respectable demand that the government cease to juggle alternately with words and millions of human lives, and state concretely what they are fighting for." (LUSK report, p. 1027)

Under date of May 8, 1917 MISS SHELLY wrote to MR. ELMER WILLIS SERL, of River Falls, Wisconsin, in part as follows:

"It is hoped by the leaders that every peace organization in the country, every Socialist and Labor Local, and all other radical groups, will push this program and demand peace negotiations based on the principles therein enunciated." (LUSK report, p. 1027)

Under date of May 9, 1917, she wrote to REVEREND ARTHUR E. WEATHERLEY of Lincoln, Nebraska, in part, as follows:

"To be frank, the Emergency Peace Federation is a much more radical organization, and will step in the vanguard of the fight more actively and uncompromisingly than the AMERICAN UNION against MILITARISM. This is not disparaging the latter.... Finally, please tell me just what organizations or societies in Lincoln we can depend upon for radical peace action." (LUSK report p. 1028)

Under date of May 11, 1917 she wrote to ARTHUR LESURE, Non-Partisan League, North Dakota, in part, as follows:

"If, however, the people of America do not bring pressure on the government to back up democracy in Russia and Germany, the war may continue as long as the war party wishes it." (LUSK rpt. p. 1028)

On May 11, 1917 RABBI JUDAH MAGNES telegraphed LOUIS LOCHNER from Kansas City as follows:

"Strongly urge making every possible concession to American Union even to extent of modifying platform and nature of conference. Task before us so long and arduous would be unfortunate if at beginning complete understanding lacking. Call meeting of committee. Thrash matters out. Come to an agreement." (P. 1024 LUSK report).

Although the names of the officers of the Union never appeared formally on the Conference lists, the Union as an organization did, nevertheless, act informally as one of the coordinating forces in a somewhat less degree than the Emergency Peace Federation. Memoranda dated May 18, 1917 record the organizations actively in the field working nationally as:

✓ AMERICAN UNION AGAINST MILITARISM
 EMERGENCY PEACE FEDERATION
 WOMAN'S PEACE PARTY
 SOCIALIST PARTY

and occasionally other peace organizations. (LUSK report, P. 1024-25).

Memoranda of the same date as above on cooperation of anti-militaristic organizations report weekly conferences of the National executives of the American Union against Militarism, Emergency Peace Federation, and other agencies; exchange of bulletins, minutes, plans, copies of circular letters, etc. between the executives of all these organizations, and conferences of legislative agents during sessions of Congress. (LUSK report P. 1025).

The tentative program of the Conference was issued on May 7, 1917. The names of the signers to the invitation to the Conference included:

EMILY G. LALOR
JOSEPH D. CANNON
MORRIS HILLQUIST
RABBI HACHLES
J. H. MAURER
VICTOR L. BERGER
A. J. BOULTON
JAMES J. BAGLEY
ROSE SCHNEIDERMAN
JOHN C. KENNEDY
EDWARD J. CASSIDY
JOSEPH SCHLOSSBERG
E. MAROFF
HENRY HERSCHE
ROY BRAZZIE
MARY KENNEY O'SULLIVAN
ARTHUR LE GUEUR
ALGERNON LEE
JAMES O'NEAL
HARRY LAIDLER
JULIUS GERBER
JULIAN PILROE
JOE HARRISMAN
WINTER RUSSELL
HARRY WEINBERGER
MT. REV. PAUL JONES
JERMAIN LLOYD JONES
REV. RICHARD W. HOOUE
REV. SIDNEY STRONG
REV. H. L. CAMFIELD

L. HOLLINGSWORTH WOOD
DAVID STARR JOSEPH
PROF. SIMON N. PATTON
SCOTT M. LIVING
WILLIAM I. HULL
HARRY T. L. DANA
LINDLEY MILLER KEASBEY
PROF. HENRY A. OVERSTREET
REV. IRVIN ST. JOHN TUCKER
BRENT DON ALLINSON
GRACE DE GRAFF
JAMES MORRIS CATTILL
RANDOLPH BOURNE
MAY WRIGHT SEWALL
DANIEL KISTEY
AMY MARI HICKS
FRANK STEPHENS
MRS. GLENDOWER EVANS
HELENA S. DUDLEY
LENORA WAINESON
MRS. LOLA M. VERRICK LLOYD
MRS. ELSIE BORG GOLDSMITH
MARGARET LANE
EDWARD BENEFICK
JOHN REED
EDWARD T. HARTMAN
L. C. BECKWITH
MRS. CRYSTAL M. EASTMAN
ANNA F. DAVIES
HENRY R. LEWIS

The Conference was held in Madison Square Gardens, New York City on May 30 and 31, 1917.

The following is quoted in part from the foreward of the "Report of First American Conference for Democracy and Terms of Peace":-

"Such an organization (the Conference) was rendered doubly necessary by the revolution

in Russia....They (The American People) wanted to make known to this free Russian people that the feelings of those who dwell in America were not truly expressed by the war-like and undemocratic action of the official government that was elected to represent them. They wanted to show that they stand solid behind the Russian democracy and are ready to work with them until the autocracy of the entire world is overthrown."

(LUSK report p. 1040)

The committee of delegates in charge of the proceedings of the Conference were MORRIS HILLQUIST, JENKIN EDWIN JONES, EMILY GREENE SAICH, WILLIAM E. HULL, HANSEL H. MOORE, ALBERT J. BOULTON, LEONORA O'REILLY, GEORGE LEE, AND PROFESSOR LINDLEY M. KASBEY. (LUSK report p. 1040).

In the report under "American Liberties" the Conference protested among other things "against conscription, compulsory military training" and demanded "democratic control of our foreign policy." The committee in charge of "American Liberties" was recorded as follows:

RICHARD W. HOGUE, Chairman
LOLA HAVERICK LLOYD, Winnetka, Ill.
J. BARNARD WALTON, Swarthmore, Pa.
PROF. H. W. L. DANA, New York City;
later of Boston, Mass.;
HARRY WEINBERGER, New York City
NORMAN THOMAS, New York City
VICTOR BERGER, Milwaukee
DONALD STEPHENS, Delaware
ALEX. L. TRACHTENBERG, New York City

Under "Industrial Standards", the report states in part:

".....The American people, joining hands with the new democracy of Russia, must lay the basis for permanent world peace by establishing industrial democracy."

The report reflected that the following were in charge of the above-described program:

SCOTT LAZARD, Chairman, Toledo, Ohio
JAMES BAGLEY, New York City
EDWARD J. CASSEIDY, New York City
HENRI BERGSON, New York City
OWEN B. LOVELLOY, New York City
MRS. FLORENCE KIMBLE, New York City
E. BAROFF, New York City
MISS AMY HICKS, New York City.

Under "Permanent Organization and Future Activities" the Conference Report reads in part as follows:

".....To create at once a committee on international cooperation representing all the democratic forces in the United States field, to work in cooperation with the democratic forces of other countries both during and after the war.....That the committee arrange for a similar conference on democracy and terms of peace in Europe immediately and in California as soon as practicable thereafter."

The committee appointed to look after the above matters consisted of the following:

JAMES MAHER, Harrisburg, Pa., Chairman
FRANK STEPHENS, Arden, Delaware
MARY WALK DENNETT, New York City
MAX EASTMAN, Groton-on-Hudson, N. Y.
JOE HARRIS, Los Angeles, California
REBECCA SHEELY, New York City
DANIEL ROY FRIEDMAN, Grand Rapids, Michigan
WILLARD C. WHEELER, Boston, Mass.
ROSE SCHNEIDERMAN, New York City
ARTHUR FISHER
ADOLF GERBER, Chicago
MAX PINE, New York City
MAX EASTMAN

EDWARD HARTMAN, Boston, Mass.
 HAROLD ROTZEL, Worcester, Mass.
 TOLA LA FOLLETTE, New York City
 HARRY W. LADDLER, New York City
 LOUIS P. LOCKER, Chicago, Illinois
 JOSEPH SCHLOSSBERG, New York City
 DANIEL KIEFER, Cincinnati, Ohio
 CHARLES W. ERVIN, New York City
 ELIZABETH FREEMAN, New York City
 MARGARET LANE, New York City.

(LUSK report p. 1040)

At the first session of the Conference on May 30, 1917, RABBI JUDAH WAGNER, in a speech, stated among other things, "America must understand that the Russian Armies will have the spirit to continue the war on one condition - that their own idealistic war aims be made the war aims of their allies." He further stated "We want them (the Russians) to know that the American Democracy does not intend to lag behind the Russian in the development of political and economic internationalism, and in all the constructive arts of peace."

SCOTT HEARING, speaking at the conference, stated in part:

"The American People, joining hands with the new democracy of Russia, must lay the basis for permanent world peace by establishing industrial democracy."

DANIEL KIEFER, speaking on "CONSCRIPTION AND DEMOCRACY" said in part:

"The conscription act is both immoral and unconstitutional.....We are not at war because we are attacked but because certain persons with authority wish to have us at war, regardless of necessity and regardless of the popular wishes.....We have been told that it is a war for democracy. Well, any people that are determined to have democracy can have it without war."

When Russia definitely decided to send the Czar packing she did not have to wait for a victory over Germany to do so. She simply sent him away. We can get democracy in the United States too whenever we get as ready for it as Russia is."

(LUSK report p. 1047,8)

On the afternoon session of the Conference on May 31, 1917, REBECCA SHELLY spoke on "Suggestions for a People's Council of America" and said in part:

"Congress as now constituted does not represent the will of the American people..... We propose therefore that this Conference commit itself to the immediate organization of a People's Council, modeled after the Council of Workmen's and Soldiers' Delegates which is the sovereign power in Russia today... The majority of delegates should come from the progressive trade union locals, the single taxers, the vigorous Socialist locals, the Granges, the Farmers' Cooperative Union and other agricultural organizations.....The first session of the People's Council might begin..... with the immediate object 'To consider ways and means of reestablishing representative government in America and to work for an early and lasting peace'.....The Council should also act as a medium through which the democratic leaders and groups in Europe could speak to the people of America."

(LUSK report p. 1049)

At the evening and last session of the Conference on May 31, 1917, Doctor JUDAH MACHES again spoke briefly and announced that the outcome of the Conference was to be the organization of a PEOPLE'S COUNCIL. (LUSK rpt. p. 1050).

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THE PEOPLE'S COUNCIL OF AMERICA was organized in June of 1917 as an outgrowth of the FIRST AMERICAN CONFERENCE OF DEMOCRACY AND TERMS OF PEACE. It was also a reorganization of the 1917 EMERGENCY PEACE FEDERATION. The latter organization was an outgrowth of the AMERICAN NEUTRAL CONFERENCE COMMITTEE, which in turn was a development of the FORD PEACE PARTY.

(LUSK report, p. 1051)

The organizing committee of the PEOPLES COUNCIL OF AMERICA were the following:

JAMES J. BAGLEY, former president of the Central Labor Union, Brooklyn, N. Y.; EMILY GREENE BAICH, College Professor, Economist, author; JOSEPH D. CANNON, organizer, International Mine, Mill and Smelter Workers' Union, N. Y.; H. W. L. DANA, Professor, Columbia University; EUGENE V. DEBS, former Socialist nominee for President, Terre Haute, Indiana; MARY WARE DENNETT, former head of the Woman's Bureau of the Democratic National Commission, New York; CRYSTAL EASTMAN, Executive Secretary of the American Union Against Militarism; MAX EASTMAN, editor of "MASSES", New York; EDMUND C. EVANS, architect, member Single Tax Society, Philadelphia, Pa.; P. GELIEBTER, Recording Secretary, Workmen's Circle, New York; EDWARD T. HARTMAN, Secretary, Civic League, Boston, Mass.; ALY MALIN HICKS, artist and author, New York; MORRIS HILLQUIT, International Secretary of Socialist Party and its nominee for Mayor of New York City; RICHARD HOGUE, Minister, Baltimore, Md.; BISHOP PAUL JONES, Episcopal Bishop of Utah, Salt Lake City; LINDLY M. KEASBY, author-economist, former professor of Institutional History, University of Austin, Texas; DANIEL KIEFER, Chairman, Fels Fund Commission, Cincinnati, Ohio; CHARLES KRUSE, President, International Welfare Brotherhood, St. Louis, Mo.; ALGERNON LEE, member of Executive Committee, Socialist Party of the State of New York, Educational Director, Rand School of Social Science; DUNCAN McDONALD, General Organizer of Cooperative League of America,

Springfield, Illinois; RABBI JUDAH L. DARNES, religious leader, New York; JAMES H. FAURET, member, Pennsylvania State Legislature, President, Pennsylvania State Federation of Labor; REV. HOWARD MELLISH; PAT NAGLE, editor, "Tenant Farmer" Kingfisher, Okla.; SCOTT NEARING, college professor economist, Toledo, Ohio; JAMES O'NEAL; JACOB PANKEN; ELSIE CLEWS PARSONS; MAX PINE, Secretary, United Hebrew Trades, New York; A. W. RICKER, publisher, "Pearson's Magazine", New York; WINTER RUSSELL, lawyer, counsel, Bureau of Legal First Aid, New York; BENJAMIN SCHLESINGER, President of International Ladies' Garment Workers Union, New York City; JOSEPH SCHLOSSBERG; ROSE SCHNEIDERMAN; WESTERN STARR, farmer and single taxer, Westover, Md.; FRANK STEPHENS, founder, Single Tax Colony, Arden, Delaware; SIDNEY STRONG, minister, author, Seattle, Washington; MRS. WILLIAM I. THOMAS, Secretary, Woman's Peace Party of America, Chicago, Illinois; IRVING ST. JOHN TUCKER, College President, editor, Christian Socialist, Chicago, Illinois; JOHN D. WORKS, former U. S. Senator, Los Angeles, California; LELLA FAYE SECOR, organizing secretary, People's Council; REBECCA SHELLY, financial secretary, People's Council; ELIZABETH FREEMAN, Legislative; WILLIAM E. WILLIAMS, publicity director, People's Council; DAVID STARR JORDAN, Treasurer, People's Council.

DOCTOR DAVID STARR JORDAN, Treasurer of the organization was also on the Legislative Committee.

Early in June, 1917, LOUIS LOCHNER wrote a number of California citizens and congressmen in regard to a PEOPLE'S COUNCIL CONFERENCE set for San Francisco early in July "to be analogous as far as our American conditions permit, to the Council of Working men and Soldiers of Russia, and to a similar body just created in England". (p. 1055 LUSK report).

The following information is quoted from a bulletin of the People's Council, dated August, 1917; in announcing an open letter to all members of Congress:

"We appeal to you, our representatives, immediately to set aside adequate time for a frank and free debate on a resolution accepting the Russian formula as a basis for immediate, general peace, and we urge upon you the advisability of calling into conference in Washington, without delay, representatives of the elected assemblies of all the Allied powers for the purpose of formulating a concrete statement of terms, upon which a just and permanent peace can be arranged....."

Continuing, in the Bulletin, it is stated that "This is but one of the activities of the organization committee of the Council. In conjunction with the Legal First Aid Bureau and the Civil Liberties Bureau, 70 Fifth Avenue, New York City, it is providing legal defense for conscientious objectors. It is also urging throughout its branches agitation for the repeal of conscription act. In conjunction with the Workmen's Council, which is the labor wing of the People's Council movement, the organizing committee arranged a great mass meeting of protest against the suppression of the labor and radical press by denial of the use of the mails."

ELIZABETH FREEMAN of the legislative committee of the Council appears to have been active in the Council, travelling in the northwest in August of 1917. Pertinent quotations from letters written by her to LOCHNER, as follows, indicate the nature of the Council.

"The man THOMPSON you see on the program is a member of the I.W.W. and made a wonderful speech" (letter dated Seattle, Washington, to LOCHNER from MISS FREEMAN August 13, 1917, per page 1063 LUSK report).

From Everett, Washington, describing the Seattle meeting where KATE SADLER WAS arrested, MISS FREEMAN described SADLER as a "splendid live soul but very radical", and wrote as follows to LOCKNER:

"I leaped on the table and started to speak-most of the crowd remaining. I told the purposes of the People's Council and something about the Russian democracy.....Then COLONEL WOOD of Portland came and I closed. Just then eight policemen came up.....and declared they would arrest me. A great shout of indignation went up but they seemed very determined.....I jumped from the table and a policeman caught hold of my arm.....People surged in between us, the hand suddenly loosened and I slipped into the crowd easily and back to the hall in time to do my usual job of asking for the collection.....The I.W.W. situation here is one to be reckoned with. They are very powerful here and our meetings were rather swamped owing to the lumber strike.....The screws are getting tighter. 'These are great times for democracy'.....By the way get in touch with LINCOLN STEFFENS....."

From Deer Lodge, Montana, August 22, 1917 to MISS ALICE PARK of the Woman's Suffrage Party, she wrote:

"The situation here is vastly different from the Seattle vicinity. One has to soft-pedal very much.....The splendid boys who formed the committee had worked very hard and were very anxious. They feared the least radical remark would upset the apple cart. I made my speech in the form of questions; and so got by with many statements.....I am leaving here tonight.....Will see you in Minneapolis."

From Butte, Montana, August 27, 1917, MISS FREEMAN wrote to LOCHNER:

"I haven't done anything to speak of here. The situation is most delicate. MARY O'NEILL will handle it.....She is very deep in it all here and so is MISS RANKIN who by the way is at here home in Missoula, Montana. MARY is her first lieutenant in this State, and very wise and careful.....Great Falls are planning to go out on a sympathetic strike, and it means careful handling."
(Pages 1063 and 1064 of LUSK report).

Among the agents organizing in the field during the summer of 1917 for the PEOPLE'S COUNCIL (page 1064 of LUSK report) were:

IRWIN ST. JOHN TUCKER, Chicago, Ill.
GRACE SCRIBNER, Boston, Mass.
S. A. STOCKWELL, Minneapolis, Minn.
M. A. BRANTLAND, Ada, Minnesota
THOMAS VOLLOM, Erskine, Minnesota
OLOF H. GROVER, Mentor, Minnesota
C. A. RYAN, World Peace Association, Northfield, Minn.

From LOCHNER'S first report from Minneapolis to the organizing committee of the PEOPLE'S COUNCIL, soon after his arrival August 19, 1917:

".....I rather anticipate that there may be hundreds if not thousands of people coming from neighboring territory who will want to attend in an individual capacity. We may be forced to run two 'shows' - one the convention of delegates, doing serious business from day to day, the other a talk-fest for the edification of the masses that will have come in good faith thinking this to be a free-for-all, and whom we cannot afford to send away without giving them inspirational dope to take home with them."

From an inner section of the August 7, 1917 bulletin of the PEOPLE'S COUNCIL under the heading of "Be a true American, an Internationalist and join this great new world movement of democracy" (This section purports to be a verbatim copy of the bulletin of the Petrograd Council of Workers' and Soldiers' Deputies, issued March 5, 1917, and printed both in Russian and English, with the explanatory statement that the original copy of the bulletin was smuggled over to the United States) the following pertinent quotations are taken:

"To the People of the Whole World.....Long live the international solidarity of the proletariat and its struggle for final victory! Our cause has not been fully won; the shades of the old regime have not yet vanished and many enemies are gathering their forces against the Russian revolution. Nevertheless our victories are enormous. The peoples of Russia will express their will through the Constituent Assembly, which is to be called in the near future on the basis of universal, equal direct and secret suffrage. It is certain that a democratic republic will be established in Russia.....Workers of all countries! In extending to you our fraternal hand over mountains of corpses of our brothers, across rivers of innocent blood and tears, over smoldering ruins of cities and villages, over destroyed treasurers of civilizations, we beseech you to reestablish and strengthen international unity. Therein lies the security for our future victories and the complete emancipation of humanity. Proletarians of all countries, unite!"

(Pages 1072-3 of LUSK report.)

In the August 7, 1917 bulletin of the PEOPLE'S COUNCIL OF AMERICA there appear running footnotes by LOCHNER from which the following quotations are taken: (page 1073 of LUSK report)

024365

"Speaking in obedience to the will of the Russian people, made known through the Councils of Workers, Soldiers and Peasants, the Russian government has said, 'We are for immediate, general peace, based on no forcible annexations, no punitive indemnities and free development for all nationalities.'

"The governments of the Allies and our own government as well have met this common sense and intelligible declaration with silence, denials or reservations, and as a direct and certain consequence, the Russian people are withholding full military cooperation in the war. This is the true interpretation of the present situation in Russia.....The democracy of America must quickly send back an answer to the Russian people. If the Congress of the United States will not speak for the people, the people must speak for themselves - and this should be our message: 'Your war aims are ours. We are with you against the imperialists who would continue this war for their own ends'..... The movement represented by the People's Council of America is plain, genuine democracy and those who oppose it are reactionary and un-American. Again we urge all American citizens to join the People's Council and to stand with the people of all nations in demanding immediate, general peace, based on the terms first formulated, not by statesmen and diplomats, but by the common people - no forcible annexations, no punitive indemnities and free development of all nationalities."

(Pages 1073 and 1074 of LUSK report)

In a letter to LOUIS LOCHNER dated August 21, 1917, referring to the proposed Convention of the PEOPLE'S COUNCIL in September of 1917, ROGER BALDWIN, then connected with the AMERICAN UNION AGAINST MILITARISM and the CIVIL LIBERTIES BUREAU, wrote as follows:

"Do steer away from making it look like a Socialist enterprise. Too many people have already gotten the idea that it is nine-tenths a Socialist movement. You can of course avoid this by bringing to the front people like Senator WORKS, MISS ADDAMS and others who are known as substantial Democrats.

"Do get into the movement just as strong as possible the leaders in the labor circles, particularly the substantial men, not the radical Socialists, both of whom ought to be recognized. But the substantial men will begin to start the big Irish Democratic Labor movement our way, and that is important. Also bring to the front the farmers, not confining it to the new agrarian movement in the northwest.

"I think it would be an error to get the public thinking that we are launching a political movement, but that is quite another matter from a political point. It is a mistake already to have tied up with the name of LaFOLLETTE, fine as he is. If we begin to mix personalities with principles we will find at these early stages we are going to get into a lot of trouble. Our main job is to keep peace terms and a larger democracy for the United States in the foreground of public discussion.

"We want also to look like patriots in everything we do. We want to get a lot of good flags, talk a great deal about the Constitution and what our forefathers wanted to make of this country and to show that we are the folks that really stand for the spirit of our institutions."

(P. 1057 of LUSK report)

LOCHNER, in answering the letter, August 24, 1917, said in part "I agree with you that we should keep proclaiming our loyalty and patriotism. I will see to it that we have flags and similar paraphernalia."

According to a statement made by ROGER N. BALDWIN, Director of the ACLU, to the Associate Counsel of the so-called LUSK COMMITTEE, the following information is available regarding the PEOPLES FREEDOM UNION:

"The Peoples Freedom Union was the outgrowth of the movements known as the PEOPLES COUNCIL and the BUREAU OF LEGAL ADVICE, and was an amalgamation effected to meet the after-war situation in certain aspects of radical propaganda. It was frankly a propaganda organization. The legal services which had characterized the BUREAU OF LEGAL ADVICE (of which CHARLES RECHT was Counsel) were given up.

"The organization devoted itself chiefly to, first, amnesty for political prisoners, chiefly conscientious objectors and, second, to propaganda meetings directed against intervention in Russia and in Mexico.

"The general field of activity was divided by an informal understanding, so that the PEOPLES FREEDOM UNION handled the active propaganda in these matters, and the NATIONAL CIVIL LIBERTIES BUREAU the legal work in and out of courts.

"The PEOPLES FREEDOM UNION was also responsible for what was known as the PEOPLES PRESS - a publishing agency located at 138 West 13th St., which published various leaflets and pamphlets on amnesty, pacifism and Russian and Mexican affairs.

"The active workers in the PEOPLES FREEDOM UNION were FANNIE M. WITHERSPOON, formerly Executive Secretary of the BUREAU OF LEGAL ADVICE; FRANK STEPHENSON, formerly Executive Secretary of the PEOPLES COUNCIL; and

who had been Secretary of the PEOPLES COUNCIL following its period of active work under LOUIS P. LOCKEER and SCOTT MEARING.

"The PEOPLES FREEDOM UNION, both because of financial difficulties and internal difficulties, practically abandoned its work in January, 1920, and rented its quarters to the AMERICAN CIVIL LIBERTIES UNION and other tenants, including THE LIBERATOR. They maintained one room in the premises for a few months thereafter, cleaning up their affairs. Such of their activities as have been continued are in the hands of the AMERICAN CIVIL LIBERTIES UNION."
(P. 1990 LUSK report)

The following quotations regarding the PEOPLES FREEDOM UNION appear in a mimeographed statement of its purpose and object, issued at the headquarters of the Union at 133 West 13th St., New York City, at the time of its organization:

"Democracy without the unrestricted right to discuss public policies is the shabbiest of pretenses.....For voicing in words a protest against the war, EUGENE V. DEBS received a jail sentence three times as heavy as that inflicted by an Austrian court upon the men whose protest took the form of assassinating an Austrian premier..... Even after the signing of the armistice, men have been sent to jail for violating the Espionage Act, a law ostensibly framed to prevent the giving of aid to Germany, but in practice used to jail radical protestants against social injustice.....There is no disposition evident to repeal this measure..... On the contrary, the Attorney General of the United States, Congress and the various State legislatures are preparing even more drastic laws to choke off the radical tendencies which they fear to allow men and women to discuss openly and democraticallyThe PEOPLES FREEDOM UNION..... is the One Big Union idea applied to the peace-and-freedom movement.....

"The affairs of the PEOPLES FREEDOM UNION are administered by an executive committee, by the officers and departmental directors, and by special committees in charge of specific phases of the work. In its headquarters at 133 W. 13th Street are located the following administrative departments - organizations, publicity, publications, speakers, and finances."

The officers of the organization were JOHN LOVEJOY ELLIOTT, Chairman; ARTHUR S. LEEDS, Treasurer; and FRANCES M. WITHERSPOON, executive secretary. Members of a committee of the organization, known as the WPA POLITICAL PRISONERS COMMITTEE were reported to be as follows according to the LUSK COMMITTEE report:

TRACY D. MYGATT,
Secretary

PAULINE CAHN
EVANS CLARK
JOE COFFIN
STELLA DALJORD
LOTTIE FISHBEIN
ANNE PECK FITE
M. E. FITZGERALD
ELIZABETH G. FLYNN
PAUL FURMAN
LEWIS GANNETT
GRATIA COLLIER
RUTH GORDON
ALFRED HAYES
HELEN HOLMAN
WILFRED HUMPHRIES
VIRGINIA HYDE
HARRY W. LAIDLER

GERTRUDE U. LIGHT
WINTHROP D. LANE
FLORENCE LATTIMORE
ALICE E. MAURAN
THERESE MAVER
DONALD MCCRAY
LELAND OLDS
IDA RAUH
FLORENCE RAUH
MERRILL ROGERS
JESSICA SMITH
EVANS THOMAS
NORMAN THOMAS
PAULINE H. TURKEL
ALFRED RHYNS WILLIAMS
JACOB WORTSMAN
JULES WORTSMAN

AMERICAN LEAGUE TO LIMIT ARMAMENTS

43 Cedar Street,
New York, N. Y.

Organized December 18, 1914 for the purpose of combating militarism and the spread of the militaristic spirit in the United States. Also to use its influence to promote a sane national policy for the preservation of international law and order, with the least reliance upon force and to secure the efficient use of monies appropriated for that purpose. Any person in sympathy with these purposes would be eligible to membership without payment of dues. This information appears on the letterhead of the League, according to the LUSK report (Page 1078).

From the minutes of proceedings of a meeting of the organizers of the League, held on December 18, 1914 at the Railroad Club, 30 Church St., New York City, a resolution was passed as follows:

"That the true policy of this country is not to increase its land and sea forces but to retain for productive and humanizing outlay the vast sums demanded for armaments and to wait steadfastly for the day when we may offer our disinterested aid in helping the nations of Europe, crippled by excesses of militarism, to free themselves and the world from the waste and terror of built-up instruments of destruction."

Among the active organizers of the League were:

JANE ADDAMS
REV. JOHN HAYNES HOLMES
DAVID STARR JORDAN
DR. JACQUES LOEB
DR. GEORGE W. NASHYTH
GEORGE FOSTER PEARODY

OSWALD GARRISON VILLARD
MORRIS HILLQUIST
HAMILTON HOLT
ELSIE CLETS PARSONS
LILLIAN D. WILD
STEPHEN S. WISE

L. HOLLINGSWORTH WOOD
Secretary

024368

In early 1915 members of the Executive Committee of the League, to widen the scope of the organization, formed an anti-preparedness committee which later became the American Union against Militarism, with headquarters at 70 Fifth Ave., New York, N. Y. (From LUSK report, pages 1078 and 1079).

AMERICAN UNION AGAINST MILITARISM
70 Fifth Avenue
New York City

was formed early in 1915 as an outgrowth of the American League to Limit Armaments. The passage of the Draft Act, after the entry of this country into the War, caused this organization to increase its activity. It immediately undertook to assist all persons desiring to avoid the draft and to protect all persons from "Infringement of civil liberties", opening branch offices under the name of the Civil Liberties Bureau, both in Washington and New York for this purpose. (Page 1079 LUSK report).

The American Union Against Militarism, then, with the specific free speech issue taken care of by its branch offices, devoted itself largely to working out an organization plan for an anti-conscription campaign, both local and national. (LUSK report, P. 1079)

Under date of April 9, 1917 a memorandum for the Executive Committee of the American Union Against Militarism sets forth an outline for an anti-conscription campaign through publicity and through organizing pressure on Congress. The outline suggested using existing organizations and groups for organized action and holding meetings for discussion and agitation. The following are pertinent quotations from this memorandum:

"Under these, got in touch throughout the country with the Socialist locals, intercollegiate Socialist society locals, radical groups, open forums and the like. Labor unions, women's organizations, church organizations, settlements, social worker's clubs,

college clubs, racial groups, especially Jewish and colored, nationalistic societies, other peace organizations, farmers' organizations..... Call mass meetings at particular crises throughout the country on the same day."

The program as outlined in the above memorandum included an immediate anti-conscription campaign; cooperation in the defense of free speech and free assemblage during the war and the rights of conscientious objectors; organization of groups throughout the country to discuss the terms of peace after the war and to form a medium of contact with similar groups in other countries after the war. (LUSK report P. 1081).

With the passage of both the conscription and espionage bills the American Union against Militarism virtually withdrew, leaving the field in the hands of its branch office, known as Civil Liberties Bureaus in Washington and New York. (LUSK report P. 1092).

According to a bulletin issued by the Union on November 1, 1917, announcing the establishment of the NATIONAL CIVIL LIBERTIES BUREAU as a distinct organization with a directing committee and an executive staff of its own, the UNION was then free to undertake a far-reaching program toward "the practical achievement of international federation and disarmament after the war." With the bulletin was "a reprint of the detailed peace terms recently proposed by the Russian Council of Workmen's and Soldiers' Delegates"

CIVIL LIBERTIES BUREAU

Offices in New York City and
Washington, D. C.

Organized as branch offices of the American Union Against Militarism at the time of the United States entry into the last World War. (LUSK report p. 1079)

The officers were:

LILLIAN D. WALD, Chairman
AMOS PINCHOT, Vice Chairman
L. HOLLINGSWORTH WOOD, Treasurer
CRYSTAL EASTMAN, Executive Secretary
CHARLES T. HALLINAN, Editorial Director

The Executive Committee consisted of the following:

ROGER N. BALDWIN, Director

JANE ADDAMS
A. A. BERLE
FRANK BOHN
WILLIAM F. COCHRAN
JOHN LOVEJOY ELLIOTT
JOHN HAYLES HOLMES
PAUL U. KELLOGG
ALICE LEWISOHN
FREDERICK LYNCH
JAMES H. MANRER
SCOTT NEARING
OSWALD GARRISON VILLARD

EMILY GREENE BALCH
HERBERT S. BIGELOW
SOPHONISBA P. BRECKENRIDGE
MAX EASTMAN
ZONA GALE
DAVID STARR JORDAN
AGNES BROWN LEACH
OWEN R. LOVEJOY
JOHN A. MC SPARRAN
HENRY R. MUSSEY
NORMAN M. THOMAS
JAMES P. WARBASSE
STEPHEN S. WISE

EVAN W. Thomas

The organization had for its ostensible purpose "the maintenance in war times of the rights of free speech, free press, peaceful assembly, liberty of conscience and freedom from unlawful search and seizure". (LUSK report P. 1079).

In the September 1917 issue of FACTS, published by Facts Publishing Association, 11 West 18th St., New York City, Volume I, Number 5, appears an article contributed by ROGER BALDWIN entitled "THE CONSCIENTIOUS OBJECTOR" in which he describes the conscientious objector as the trustee of liberty in a world struggling for freedom. He stated that over 15,000 conscientious objectors have registered with one or another of the organizations interested in their problem. He mentions that the CIVIL LIBERTIES BUREAU of the AMERICAN UNION AGAINST MILITARISM stands ready to give full information to all con-

scientious objectors. (P. 1397 LUSK report).

On November 1, 1917 the CIVIL LIBERTIES BUREAU enlarged both its offices and scope under the name of the NATIONAL CIVIL LIBERTIES BUREAU. (LUSK report P. 1079).

NATIONAL CIVIL LIBERTIES BUREAU

Established November 1, 1917 as an outgrowth of the Civil Liberties Bureau, as a distinct organization with a directing committee and an executive staff of its own. (Bulletin of the A.U.A.M. 11-1-17, LUSK report, P. 1084).

Under date of November 1, 1917 the NATIONAL CIVIL LIBERTIES BUREAU issued a bulletin from which the following pertinent quotations were taken:

"On the matter of the conscientious objector, we are in constant touch with the War Department, which is showing a liberal and sympathetic attitude. SECRETARY BAKER is personally interested, having spent a day recently with a group of objectors at Camp Meade....All the men who claim conscientious objection are treated on the same basis, whether members of religious sects or not. Most have accepted non-combatant service. Although we cannot get accurate figures as to the total number.....there seem to be altogether considerably less than one thousand conscientious objectors in the sixteen cantonments.

"A bulletin containing all the facts up to date on this matter is being sent out at this time to the 3,500 conscientious objectors and others interested in the problem registered with us....."

(LUSK REPORT P. 1084).

After the conviction of ROGER BALDWIN for violation of the Selective Service Act, the National Civil Liberties Bureau continued its activities and on November 18, 1918 its officers were as follows: (LUSK report P. 1089)

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JOHN S. CODMAN
JOHN LOVEJOY ELLIOTT
WALTER W. HAVILAND
AGNES BROWN LEACH

CRYSTAL EASTMAN
EDMUND C. EVANS
JOHN HAYNES HOLMES
JUDAH L. MAGNES

JOHN NEVIN SAYRE

From October, 1917 to August 31, 1918; approximately \$10,000 was received from the following subscribers:

~~ELIZI COPE~~
~~WILLIAM P. BAUCROFT~~
~~SARAH J. EDIY~~
~~MRS. J. SARGENT GRAM~~
~~A. G. SCATTERGOOD~~
~~HAROLD A. HATCH~~
~~MARY McMURTRIE~~

~~ALEXANDER FLEISCHER~~
~~EDITH BORG~~
~~ALBERT DE SILVER~~
~~AGNES BROWN LEACH~~
~~HELEN PHILIPS STOKES~~
~~JOHN NEVIN SAYRE~~
~~JAMES H. POST~~

MRS. MAURICE LOWENSTEIN

One of the organizations most active in assisting the defense committees of the I.W.W., both in raising bail and funds, and carrying on a widespread publicity campaign, was the NATIONAL CIVIL LIBERTIES BUREAU. In a letter from ROGER BALDWIN to JUSTIN EBERT of Brooklyn, N. Y., dated November 8, 1917, he speaks of "the silly and outrageous indictments against the I.W.W.". In December of 1917 L. S. CHUMLEY of the Defense Council of the I.W.W. took up his offices with the NATIONAL CIVIL LIBERTIES BUREAU, working with them in the plans for raising funds for the I.W.W. defense, and in putting out propaganda literature justifying the position of the I.W.W. In 1920 CHUMLEY was organizer for the I.W.W. in New York, and editor of the "Rebel Worker". (P. 1089-90 LUSK rpt.)

On June 18, 1918 ROGER BALDWIN wrote to Professor IRVING BERLIN in Chicago asking for material on "social extravagance" to be used by the defense in the I.W.W. trial. (p. 1091 LUSK)

On June 25, 1918 ROGER BALDWIN wrote to CHARLES F. ERVIN, of the New York "CALL", and later candidate for Governor of

New York on the Socialist Party ticket, confirming arrangements to pay the "CALL" \$400 for reporting the I.W.W. trial. It is being understood that DAVID MARSHER, Chicago representative of the "CALL" would write an article once a week about the trial for the NATIONAL CIVIL LIBERTIES BUREAU.
(P. 1092 LUSK report).

VINCENT ST. JOHN, convicted as one of the I.W.W. defendants, on July 9, 1918, wrote acknowledging receipt from the NATIONAL CIVIL LIBERTIES BUREAU of \$1,167. and on July 13th an additional \$1,021. (P. 1092 LUSK report).

As a further indication of the cooperation between the NATIONAL CIVIL LIBERTIES BUREAU and the I.W.W. it will be noted that the following advertisement was placed in the June 22, 1918 issue of the "NEW REPUBLIC" by that Bureau:

"Never mind what you think about the I.W.W. they are at least entitled to a fair trial and an open-minded public hearing. That is a primary American right.

"One hundred and ten of their leaders are now before the Federal Court at Chicago, charged with conspiring to obstruct the war, but the trial involves essentially the activities of the I.W.W. as a labor organization.

"The I.W.W. are entitled to the best legal defense they can make. They must bring scores of witnesses long distances. The trial will probably last months.

"The Department of Justice, the court and the jury can be relied upon to deal effectually with any criminal acts that may be disclosed. It is for American liberals to make it financially possible for the defense to present fully the industrial evils underlying the I.W.W. revolt against intolerable conditions of labor.

"Such a labor trial is, of necessity, enormously expensive. It will cost over \$100,000. Of this

about \$50,000. has already been raised from the membership alone. But it is impossible to raise the entire fund from the members. The whole sum needed cannot be secured without the liberal financial support of those Americans who believe in the right of a fair trial, even for the I.W.W.

"The undersigned, therefore, appeal to all liberals for financial help. Checks should be made out to ALBERT DE SILVER, treasurer, 2 West 13th St., New York City.

ROBERT W. BRUERE

JOHN A. FITCH

CARLTON J. F. HAYES

HELEN KELLER

THORSTEIN VEBLEN

WALTER E. WEYL

JOHN DEWEY

PERCY STOCKNEY GRANT

INEZ HAYNES IRWIN

JAMES HARVEY ROBINSON

GEORGE P. WEST

(Pages 1094-5 LUSK report)

Under a reorganization of January 20, 1920 the NATIONAL CIVIL LIBERTIES BUREAU became the AMERICAN CIVIL LIBERTIES UNION. (Statement of ROGER BALDWIN, p. 1979 of LUSK report.)

AMERICAN CIVIL LIBERTIES UNION, INC.

1920

According to a statement made by ROGER N. BALDWIN, director of the American Civil Liberties Union to the associate counsel of the Joint Legislative Committee of the State of New York Investigating Seditious Activities in 1920, the ACLU was organized January 12, 1920, being a reorganization of the NATIONAL CIVIL LIBERTIES BUREAU. The reorganization included a change of name to indicate that the character of the organization had changed from a bureau of legal service to a propaganda organization in the interest of Civil Liberty; and a program of increased activity directed primarily to dramatizing issues of civil liberty in the industrial conflict. The work of the ACLU, according to ROGER BALDWIN'S statement, is "organized chiefly in cooperation with labor unions and radical political groups". The following other pertinent quotations are taken from the above referred to statement:

"Expression of opinion.....includes any language unaccompanied by an overt act.....for instance advocacy of murder, unaccompanied by any act is within the scope of free speech.....I would say on behalf of the entire committee that all of them disbelieve the legal theory of constructive intent, and that all of them believe in the right of persons to advocate "the overthrow of government by force and violence" while all the members of the committee totally disbelieve in any such doctrine themselves".
(P. 1979 and 1980 of LUSK report).

The following information regarding the ACLU appears in "THE CHALLENGE", a leaflet issued in 1920 by that organization.
(P. 1983 of LUSK report).

The ACLU will send free speech organizers and speakers into areas of conflict to dramatize the issue of civil liberty, and where necessary to fight them in court. All legislation restricting freedom of speech, press, and assemblage, will be opposed. Endeavors will be made to secure amnesty for political and industrial prisoners. Nation-wide publicity will be secured on all important civil liberty issues, and legal defense will be organized throughout the country.

This leaflet further reports that the ACLU is supported solely by voluntary contributions, but does not record the identity of any of the contributors. The following pertinent quotations are also taken from that leaflet:

"The hysterical attacks on 'red' propaganda, on radical opinion of all sorts, are in substance a single masked attack on the growing revolt of labor and the farmers against industrial tyranny ----- Legislation pretending to be aimed only at the overthrow of the government by 'force and violence' as a matter of fact is construed to punish the advocacy of political and economical change by any method There should be no prosecutions for the mere expression of opinion on matters of public concern, however radical, however violent. Laws purporting to prevent the advocacy of the 'overthrow of the government by force or violence' are all violations of the right of free speech. There should be no censorship over the mails by the Post Office, or any other agency at any time in any way.....There should be no laws or regulations prohibiting the display of red flags or other political emblems.....No person should be refused admission to the United States on the grounds of holding objectionable opinions.....The present restrictions against radicals of various beliefs is wholly opposed to our traditions of political asylum.....No alien should be deported merely for the expression of opinion or for membership in a radical or revolutionary organization.....Economic and political power are necessary to assert and maintain all 'rights'.....Today the organized movements of labor and of the farmers are fighting the big fight for Civil Liberty throughout the United States as part of their campaign for increased control in industry. The union of organized labor, the farmers, radical and liberal movements, is the most effective means to this.....It is that union of forces which the American Civil Liberties Union serves.....Help for freedom of opinion can also be rendered through organizing open forums, radical book shops, and lecture courses and in the development of the papers controlled by labor and farmers."

The leaflet lists the following individuals as officers, directors, and members of the National Committee of the ACLU:

HARRY F. WARD, New York; Chairman
DUNCAN McDONALD, Illinois
JEANNETTE RANKIN, Montana, Vice Chairman
HELEN PHELPS STOKES, Treasurer
ALBERT DE SILVER
ROGER N. BALDWIN
WALTER KELLES, Counsel
LUCILLE B. MILNER, Field Secretary
LOUIS F. BUDENZ, Publicity Director

The following are recorded as members of the National Committee;

JANE ADDAMS
HERBERT S. BIGELOW
SOPHONISBA P. BRECKENRIDGE
ROBERT M. BUCK
JOSEPH D. CANNON
JOHN S. CODMAN
LINCOLN COLCORD
JAMES H. DILLARD
JAMES A. DUNCAN
CRYSTAL EASTMAN
ELIZABETH GURLEY FLYNN
JOHN LOVEJOY ELLIOTT
EDMUND C. EVANS
JOHN A. FITCH
WILLIAM M. FLOCKE
WILLIAM Z. FOSTER
FELIX FRANKFURTER
ERNST FREUND
PAUL J. FURNAS
ZONA GALE
A. B. GILBERT
ARTHUR GARFIELD HAYS
MORRIS HILLGUTT
JOHN HAYNES HOLMES
FREDERICK C. HOWE
JAMES WELDON JOHNSON
GEORGE P. WEST

HELEN KELLER
AGNES BROWN LEACH
GRENVILLE S. McFARLAND
ARTHUR LE SUEUR
HENRY R. LINVILLE
ROBERT MORRIS LOVETT
ALLEN McCURDY
OSCAR MADDOUS
JUDAH L. MAGNES
JAMES H. MAURER
A. J. MUSTE
GEORGE W. NASHVETH
SCOTT NEARING
JULIA O'CONNOR
WILLIAM H. PICKENS
WILLIAM MARION REEDY
JOHN NEVIN SAYRE
ROSE SCHENDLERMAN
VIDA D. SCUDDER
SEYMOUR STEINMAN
B. CHARNEY VLADICK
NORMAN M. THOMAS
EDWARD D. TITTMAN
WILLIAM S. U'REN
OSWALD GARRISON VILLAR
L. HOLLINGSWORTH WOOD

(LUSK rpt. P. 1989)

The most prominent individual in directing the course and activities of the ACLU is ROGER N. BALDWIN who is still the National Director of the ACLU. A few of the statements attributed to him are being set out at this point to show the radical tendencies of this individual. Elsewhere in this report, in a separate section, further information on BALDWIN, as well as other individuals prominent in the ACLU, is set forth.

The following information appears in a leaflet issued by the "Friends of ROGER BALDWIN" issued in November of 1918 and purports to quote BALDWIN'S statement to the Court at the time of being sentenced to one year imprisonment for violation of the Selective Service Act:

"I feel myself just one protest in a great revolt surging up from among the people - the struggle of the masses against the rule of the World by the few.....It is a struggle against the political state itself, against exploitation, militarism, imperialism, authority in all forms. It is a struggle to break in full force only after the War.....Russia already stands in the vanguard, beset by her enemies in the camps of both belligerents.....the central empires break asunder from within, the labor movement gathers revolutionary forces in Britain.....and in our own country the Non-Partisan League, radical labor, and the Socialist Party, hold the germs of a new social order."

(P. 1088 of LUSK report):

In 1931, in testifying before the House Committee Investigating Communist Propaganda, ROGER BALDWIN stated that the American Civil Liberties Union upholds the right of a citizen or alien to advocate murder or assassination, or to advocate force and violence for the overthrow of the Government. He further testified that he also personally upholds that right. (Pages 5-6-report #2290, H.R., 71st Congress, Third Session.)

In "LIBERTY UNDER THE SOVIETS" by ROGER BALDWIN he admits he recognizes fully "The dangers in the extreme measures of control in effect in Russia today" but deplors them for their unnecessary cruelties. However, he admits his

"personal prejudices in favor of the economic achievements of the Russian revolution". BALDWIN further states "I have headed enterprises organized in the United States to help Soviet industry and agriculture, and to gain recognition for Russia.....certain contact has threatened my committees for the effects of economic liberty and diminished my fears for the evidence of political repression."

(STELLE testimony, P. 229, DIES report)

In 1935 ROGER BALDWIN wrote in the Harvard College Year Book for 1935 as follows:

"I have continued directing the unpopular fight for the rights of agitation, as Director of the American Civil Liberties Union; on the side engaging in many efforts to aid working class causes. I have been to Europe several times, mostly in connection with international radical activities, chiefly against war, fascism, and imperialism, and have traveled constantly in the United States to areas of conflict over workers' rights to strike and organize. Aside from social and economic issues, I have been active in the fight for the conservation of birds and animals and forests. My 'chief aversion' is the system of greed, private profit, privilege, and violence which makes up the control of the world today, and which has brought it to the tragic crisis of unprecedented hunger and unemployment. I am opposed to the new deal because it strives to strengthen and prolong production for private profit. At bottom I am for conserving the full powers of every person on earth by expanding them to their individual limits. Therefore, I am for socialism, disarmament, and ultimately for abolishing the State itself as an instrument of violence and compulsion. I seek social ownership of property, the abolition of the propertied class, and sole control by those who produce wealth. Communism is the goal. It all sums up into one single purpose - the abolition of the system of dog-eat-dog under which we live; and the substitution by the most effective non-violence possible of a system of cooperative ownership and use of all wealth." Address: 100 -

Fifth Ave., New York, N. Y.

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A photographic copy of Page 7 of the Harvard College Year Book of 1935 from which the above quotation was taken is transmitted as an enclosure to this report, marked Exhibit #1.

In an article in the April 8, 1937 issue of the New York Times-Herald, ROGER BALDWIN is attributed as saying "Civil Liberties, like Democracy, are useful only as tools for change.I am interested to maintain such freedom of agitation as can be won not primarily as a political principle but as a means of resolving economic conflict with a minimum of violence." (Testimony of STEELE, DIES report, Page 230).

In a statement appearing in the American Labor Year Book, ROGER BALDWIN in criticizing the immigration, passport and naturalization regulations of the United States, said in part: "Admission is denied not only to anarchists but to any persons who believe in the overthrow by force and violence of the government in the United States.....or who disbelieve in organized government." (STEELE testimony, Page 230, DIES report).

AMERICAN CIVIL LIBERTIES UNION, INC.
1921

In a pamphlet entitled "THE FIGHT FOR FREE SPEECH" dated September, 1921, the American Civil Liberties Union set forth a resume of its activities up until September of 1921. The address of the ACLU at the time the pamphlet was issued was reported as 138 West 13th St., New York City. A foreword in the pamphlet was signed by ROGER N. BALDWIN and ALBERT DE SILVER as Directors.

On Page 4 of the pamphlet under the heading of "WHAT WE ARE FIGHTING FOR AND AGAINST", the ACLU states that NEVER before in American history were the forces of reaction so completely in control of the economic and political life of the peoples in this country. The forces of reaction are described as making use of injunctions in labor disputes, the establishment of 35 State sedition and criminal syndicalism laws and an array of city ordinances and police regulations restricting free speech and assemblage. The pamphlet also refers to the "arbitrary power of the Post Office Department over the press and the mails, state constabularies and private gunmen, and the lawlessness of such organizations as the American Legion and the Ku Klux Klan." The pamphlet further states "So complete is the machinery of suppression that an active political propagandist, -- the communist -- has been outlawed and forced into secret background channels."

It is further stated on Page 4 of this pamphlet that "The only groups of the American people conscious of this condition and capable of outspoken resistance to it are the radicals, the more aggressive wings of the labor and farmer movements, and a few influential liberal journals, organizations and individuals in public life. Among other classes more or less conscious of the condition but incapable of outspoken resistance are the Negroes, many foreign-born groups and the tenant farmers of the west and south."

Under the heading "FREE SPEECH OR VIOLENCE", the pamphlet states as follows:

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"When-ver conflict grows tense, and the legal machinery of 'rights' breaks down, a resort to force by one side, or open violence by both sides is inevitable. Such a conflict on a large scale is of course armed revolt or a revolution. It is also obvious that the more freely the forces in conflict can agitate by peaceful means, the less will be the resort to violence. It is therefore clear that the more the spirit and method of peaceful agitation is encouraged here in the United States now, the less violent and destructive will be the inevitable industrial conflict ahead. It is in the interest of orderly progress that organized effort for civil liberty challenges the repressive powers of reaction in America today, headed as they are for violence and destruction."

Continuing, the pamphlet states -

"There are many who regard such effort as useless because they feel that the reactionary forces in power will never yield until compelled to do so by superior force. Even if that contention is sound, the propaganda for civil liberty must have the effect of softening the conflict, both by making easier the way for the new forces and by creating a general distrust of the shams of our political system. That weakens resistance to progress. Any efforts for tolerance are justified also by their general effect on all classes, if we are to help toward a world in which freedom of the mind is to be a reality.....

"By demonstrations, publicity, pamphlets, legal aid, bail, test cases in the courts, financial appeals, --- by all these methods of daily service the friends of progress to a new social order make common cause, regardless of their political faith or of their view of the principle of civil liberty itself."

On page 6 of this pamphlet in referring to the establishment of the ACLU as a reorganization of the National Civil Liberties Bureau, the pamphlet states -

"The reorganization came on the heels of the great coal and steel strikes, the greatest demonstrations of working-class power in the history of the country, both of which were beaten largely through the wholesale denial of civil rights, engineered jointly by the government and the employing interests.

"These strikes, with the outlaw switchmen's strike which followed them, marked the height of working-class resistance to industrial tyranny, as a result of the war shortage of labor. They marked, too, the effective beginning of those determined campaigns of organized business which throughout the country have either disrupted, weakened or put on the defensive every organized movement of the workers, farmers, radicals and liberals.

"This has been accomplished through the diverse methods of anti-labor and anti-radical legislation, injunctions and judgemade law, by the open shop campaign, by economic boycott, by the raids of the Palmer regime, and by the lawless activities of the American Legion, the Ku Klux Klan and similar organizations."

Under the heading of "CENTERS OF RESISTANCE", on page 7 of this pamphlet in referring to the centers of resistance against so-called reaction, the pamphlet states:

"There is the armed resistance to company gunmen among the mountaineer coal-miners of southern West Virginia in their fight for the right to organize; there is the determined campaign of the Kansas district of the United Mine Workers under Alexander Howat against the 'Industrial Court law' which wipes out the right to strike; there is the heroic effort of the Alabama coal miners to maintain their organization against the forces of the U. S. Steel Corporation; the victory of the Amalgamated Clothing Workers in New York; the continuous defiance of regressive measures by the I. W. W. lumber-jacks of the Northwest; the significant growth of working-class unity between whites and blacks in southern industrial centers; the vigorous organizing campaigns of the

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Non-partisan League in the middle west; and the steady growth of the independent farmer and labor press.

"Underneath this surface of exceptional centers and movements there are other forces at work,---the secret organization of the Communist Party, the increasing rank and file solidarity in the trades unions, and a spreading cynical conviction among certain groups of the ultimate necessity of armed resistance."

Continuing, the pamphlet states

"Into this whole situation the American Civil Liberties Union directs its efforts wherever it can be of practical help. It makes no distinction as to whose liberties it defends; it puts no limit on the principle of free speech. The headquarters in New York keep informed of all cases reported in the press by a special clipping service and close perusal of the labor papers, and also through investigations in various parts of the country by members of the staff. In every case reported anywhere in the country or in our island possessions, we act at once by letter or wire to advise the person or organization attacked that our services are at their disposal. Those services consist of legal advice, bail, publicity and protests to local officials.

"To help with that service we have 800 co-operating lawyers in 47 states, and over 1000 correspondents and investigators. In 17 of the larger cities we have local co-operating committees which act on important cases. The most active of these is the New England Civil Liberties Committee in Boston." The names and addresses of the local committees are as follows:

Chicago Civil Liberties League, Room 305, 166 West Washington St., Chicago, Illinois.
Youngstown Workers Defense League, 1432 W. Federal St., Youngstown, Ohio.

New England Civil Liberties Committee, 44 Edgchill
Road, Brookline, Massachusetts.

Workers' Defense Union, 7 East 35th Street, New York City.

Philadelphia Civil Liberties Committee, 1201 Morris Road,
Philadelphia, Penna.

Workers' Defense Union of Baltimore, 435 South Broadway,
Baltimore, Md.

Continuing the pamphlet states -

"In the New York headquarters the daily work is in charge
of two directors, a field secretary and an attorney. A
representative at Washington handles matters requiring
direct contact with government officials.

"The chief activity necessarily is publicity in one form
or other, for ours is a work of propaganda, --- getting
facts across from our point-of-view. That consists of
a regular news service to 450 weekly labor, farmer and
liberal papers; special news releases to daily papers;
occasional news statements to special groups of papers,
including foreign labor and liberal publications; pam-
phlets, an information service to 420 co-operating speakers
and writers throughout the country; and a weekly mimeo-
graphed report on all cases, which is sent to selected
papers and list of subscribers.

Under the heading "DEMONSTRATIONS" on Page 8 of this pamphlet,
the following is quoted:

"The most effective publicity has resulted from dramatiz-
ing the issues of civil liberty by demonstrations in areas
of conflict. During 1920, the Union conducted four such
conspicuous free speech fights. The first, in Passaic,
New Jersey, in cooperation with the Amalgamated Textile
Workers, wiped off the books a restrictive police order
and city ordinance and opened up that wool town to worker's
meetings. The second, in May, at Duquesne, Pa., in co-
operation with the National Committee for Organizing Iron
and Steel Workers, staged the issue squarely, but resulted

in a most restrictive decision from the State Supreme Court which outlaws meetings in public places. The third, during the fall political campaign at Mt. Vernon, N.Y., in co-operation with the Socialist Party, opened up the streets of that city to Socialist speakers, though the legal issues at stake are still pending in the courts. The fourth, also during the campaign, in four Connecticut cities in co-operation with the Socialist Party, secured various immediate results in the different cities (Waterbury, New London, Meriden and Norwich). The final outcome was a wholly favorable decision by the State Supreme Court forbidding discrimination between speakers on public streets."

Under the heading "FIELD WORK", the pamphlet states on Page 9 -

"In addition to the demonstrations, the Union has helped plan local civil liberties campaigns carried on by labor organizations. We are the means frequently of getting local groups and individuals in touch with one another when they have never before worked together. Many groups and individuals are so isolated that they do not know of one another's existence in the same community. We also have brought national agencies to bear on local situations, hiring publicity men, getting investigators on the field, waking up magazines to the publicity possibilities in local dramas, and urging public authorities to action to correct abuses. We have put in much effort in these ways, particularly in the long strike conflicts in the coal fields of Alabama and West Virginia."

Beginning on Page 9 of this pamphlet there are listed numerous publications published by the ACLU since its organization in January of 1920. This list includes such publications as "CONSCIENTIOUS OBJECTORS IN THE GREAT WAR", by NORMAN THOMAS; "THE BLACK WORKERS' STRUGGLE FOR AMERICAN RIGHTS IN THE VIRGIN ISLANDS" and AMNESTY FOR POLITICAL PRISONERS."

Under the heading of "SERVICE TO LAWYERS", on Page 11 of the pamphlet the following appears:

"To our 800 co-operating attorneys, our counsel, Mr. NELLES, sends each month a bulletin on some legal aspect of civil liberty likely to be helpful to them in cases involving civil rights. These bulletins in recent months have covered:

- Free Speech on the Streets.
- Control of the Press by Injunction.
- Constitutionality of Criminal Anarchy and Criminal Syndicalism Statutes.
- Postal Censorship through the Second-Class Mailing Privilege.
- Searches and Seizures.
- Scope of Labor Sections of the Clayton Act.

"Mr. NELLES is a member of a law firm which devotes its attention chiefly to civil liberty cases. The members of that firm (PALE, NELLES and SHORR) have participated in most of the significant civil liberty trials in and near New York, -- MR. NELLES particularly in the cases arising under the New York anti-anarchy statute and the deportation laws.

"The growing menace of the power of injunctions in labor disputes prompted us to call a conference of interested agencies, lawyers and others in January, 1921. The result was an agreement to undertake a thorough study of the whole subject, to be made available for attorneys and labor organizations in the form of a pamphlet covering law and tactics.

Under the heading of "OTHER WORK" on Page 11 of the pamphlet, it is stated -

"Much of the work we do does not appear with our name because the primary responsibility for it rests with others. For instance, considerable of the publicity relating to the West Virginia miners was arranged for

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by us and carried out independently. Similarly, much of the work in the amnesty campaign is handled by us as part of a joint effort of a number of organizations.

"Meetings and conferences on local and national civil liberty issues have been held by members of the staff of the Union from time to time especially in Boston, Chicago, Philadelphia, Pittsburgh, St. Louis and New York. Talks on civil liberties by members of the National Committee or the staff have been arranged through the Union before many audiences, particularly in the east and middle west."

Under the heading of "BAIL FUND" on Page 12 of the pamphlet, the following is quoted:

"An attempt to create a National Bail Fund to provide bail for persons held in civil liberty cases has only recently been successful, after a year's effort to get the minimum fixed for an operating basis, \$100,000. The fund is administered by a committee of trustees independent of the Union, but working in close cooperation with it. The Trustees are L. HOLLINGSWORTH WOOD, ALBERT De SILVER and NORMAN THOMAS; with an Auditing Committee supervising the work, consisting of OSWALD GARRISON VILLARD, CHARLES J. RHOADS and ARTHUR GARFIELD HAYS. Cash, liberty bonds or other marketable securities are accepted as loans to be used for bail. The risk of loss is minimized and would be shared by all participants alike; interest is paid; and no publicity is attached to those participating. A total fund of \$200,000 is needed to meet immediate demands."

Under the heading of "AMNESTY" on Page 12, the pamphlet states:

"The efforts to secure amnesty have been unceasing. The release of the last of the conscientious objectors in November, 1920, was probably due in part to our constant agitation, but more to the determination of the men themselves; and to the conspicuous hunger-strike of one of their number."

The pamphlet further states on Page 12 that

"Efforts to fasten a peace-time sedition law on the country have been vigorously opposed by the Union and allied organizations, so far with success. We conducted a hard fight against the Sterling bill in Congress in 1920, and have kept after the situation continuously since. The Union has also participated in efforts to repeal, test or defeat various peace-time sedition laws in a number of states."

The pamphlet further states that

"The policies of the Civil Liberties Union are determined by vote of the National Committee, voting by mail."

"The carrying out of the policy is entrusted to an Executive Committee, meeting weekly in New York." At the time the pamphlet was issued, the members of the Committee were:

JOHN A. FITCH
PAUL J. FURNAS
ELIZABETH CURLEY FLYNN
JOHN HAYNES HOLMES
JAMES WELDON JOHNSON
MRS. AGNES BROWN LEACH
HENRY R. LINVILLE
WILLIAM J. M. A. MALONEY
A. J. MUSTE
SCOTT NEARING

WALTER NELLIS
JOHN HEVIN SAYRE
ROSE SCHNEIDERMAN
HELEN FIELDS STOKES
NORMAN M. THOMAS
B. CHARNEY VLADECK
HARRY F. WARD
L. HOLLINGSWORTH WOOD
ROGER N. BALDWIN
ALBERT De SILVER

The pamphlet beginning on Page 15 contains a statement defining the position of the American Civil Liberties Union on the issues in the United States at that time, namely 1921, and the pamphlet indicates that the program was adopted by the National Committee of the American Civil Liberties Union.

The following is the statement of the position of the ACLU as set forth in the pamphlet:

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"We stand on the general principle that all thought on matters of public concern should be freely expressed without interference. Orderly social progress is promoted by unrestricted freedom of opinion. The punishment of mere opinion, without overt acts, is never in the interest of orderly progress. Suppression of opinion makes for violence and bloodshed.

"The principle of freedom of speech, press and assemblage, embodied in our constitutional law, must be reasserted in its application to American conditions today. That application must deal with various methods now used to repress new ideas and democratic movements. The following paragraphs cover the most significant of the tactics of repression in the United States today.

"1. Free Speech. There should be no control whatever in advance over what any person may say. The right to meet and to speak freely without permit should be unquestioned.

"There should be no prosecutions for the mere expression of opinion on matters of public concern, however radical, however violent. The expression of all opinions, however radical, should be tolerated. The fullest freedom of speech should be encouraged by setting aside special places in streets or parks and in the use of public buildings, free of charge, for public meetings of any sort.

"2. Free Press. There should be no censorship over the mails by the post-office or any other agency at any time or in any way. Privacy of communication should be inviolate. Printed matter should never be subject to a political censorship. The granting or revoking of second class mailing privileges should have nothing whatever to do with a paper's opinions and policies.

"If libelous, fraudulent, or other illegal matter is being circulated, it should be seized by proper warrant through the prosecuting authorities, not by the post-office department. The business of the post-office department is to carry the mails, not to investigate crime or to act as censors.

"There should be no control over the distribution of literature at meetings or hand to hand in public or in private places.

No system of licenses for distribution should be tolerated.

"3. Freedom of assemblage. Meetings in public places, parades and processions should be freely permitted, the only reasonable regulation being the advance notification to the police of the time and place. No discretion should be given the police to prohibit parades or processions, but merely to alter routes in accordance with the imperative demands of traffic in crowded cities. There should be no laws or regulations prohibiting the display of red flags or other political emblems.

The right of assemblage is involved in the right to picket in time of strike. Peaceful picketing, therefore, should not be prohibited, regulated by injunction, by order of court or by police edict. It is the business of the police in places where picketing is conducted merely to keep traffic free and to handle specific violations of law against persons upon complaint.

"4. The Right to Strike. The right of workers to organize in organizations of their own choosing, and to strike, should never be infringed by law.

"Compulsory arbitration is to be condemned not only because it destroys the workers' right to strike, but because it lays emphasis on one set of obligations alone, those of workers to society.

"5. Law Enforcement. The practice of deputizing privately paid police as general police officers should be opposed. So should the attempts of private company employees to police the streets or property other than that of the company.

"The efforts of private associations to take into their own hands the enforcement of law should be opposed at every point. Public officials, employees of private corporations, and leaders of mobs, who interfere with the exercise of the constitutionally established rights of free speech and free assembly, should be vigorously proceeded against.

"The sending of troops into areas of industrial conflict to maintain law and order almost inevitably results in the government

taking sides in an industrial conflict in behalf of the employer. The presence of troops, whether or not martial law is declared, very rarely affects the employer adversely, but it usually results in the complete denial of civil rights to the workers.

"6. Search and Seizure. It is the custom of certain federal, state and city officials, particularly in cases involving civil liberty, to make arrests without warrant, to enter upon private property, and to seize papers and literature without legal process. Such practices should be contested. Officials so violating constitutional guarantees should be proceeded against.

"7. The Right to a Fair Trial. Every person charged with an offense should have the fullest opportunity for a fair trial, for securing counsel and bail in a reasonable sum. In the case of a poor person, special aid should be organized to secure a fair trial, and when necessary, an appeal. The legal profession should be alert to defend cases involving civil liberty. The resolutions of various associations of lawyers against taking cases of radicals are wholly against the traditions of American liberty.

"8. Immigration, Deportation and Passports. No person should be refused admission to the United States on the ground of holding objectionable opinions. The present restrictions against radicals of various beliefs if wholly opposed to our tradition of political asylum.

"No alien should be deported merely for the expression of opinion or for membership in a radical or revolutionary organization. This is as un-American a practice as the prosecution of citizens for expression of opinion.

"The attempt to revoke naturalization papers in order to declare a citizen an alien subject to deportation is a perversa law which was intended to cover only cases of fraud.

"Citizenship papers should not be refused to any alien of the expression of radical views, or activities in the labor.

"The granting of passports to or from the United

not be dependent merely upon the opinions of citizens or in radical or labor organizations.

"9. Liberty in Education. The attempts to maintain orthodox opinion among teachers should be opposed. The attempt of educational authorities to inject into public school and instruction propaganda in the interest of any particular theory or society to the exclusion of others should be opposed.

"10. Race Equality. Every attempt to discriminate between races in the application of all principles of civil liberty here set forth should be opposed.

"HOW TO GET CIVIL LIBERTY"

"We realize that these standards of civil liberty cannot be attained as abstract principles or as constitutional guarantees. Economic or political power is necessary to assert and maintain all 'rights'. In the midst of any conflict they are not granted by the side holding the economic and political power, except as they may be forced by the strength of the opposition. However, the mere public assertion of the principle of freedom of opinion in the words or deeds of individuals, or weak minorities, helps win it recognition, and in the long run makes for tolerance and against resort to violence.

"Today the organized movements of labor and of the farmers are waging the chief fight for civil liberty throughout the United States as part of their effort for increased control of industry. Publicity, demonstrations, political activities and legal aid are organized nationally and locally. Only by such an aggressive policy of insistence can rights be secured and maintained. The union of organized labor, the farmers, radical and liberal movements is the most effective means to this.

"It is these forces which the American Civil Liberties Union serves in their efforts for civil liberty. The practical work of free speech demonstrations, publicity and legal defense is done primarily in the struggles of the organized labor and farmers movements."

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Under the heading of "The Work Ahead", the pamphlet listed the following activities on the program of the ACIU:

- "1. Amnesty for political prisoners. Constant efforts on this campaign in co-operation with other agencies, directed particularly to action by the federal government in behalf of the 150 political prisoners still in prison (of whom 103 are members of the I.W.W.) and also directed to similar action by governors of states.
- "2. Campaigns against laws restricting free speech, free press and free assemblage. Efforts to defeat proposed laws and to annul such laws by tests in the courts, campaigns for their repeal, and general publicity aimed at making them ineffective in practice.
- "3. Demonstrations in areas of conflict: Test meetings as basis of getting laws before the courts or of putting to the front the free speech issue, held as occasions prompt.
- "4. A special campaign against mob violence---particularly directed to the American Legion and the Ku Klux Klan.
- "5. Completion of the study of injunctions, with suggested tactics for labor organizations.
- "6. Publication of a study of the restrictions on teachers with a campaign in the schools and colleges for academic freedom.
- "7. Special efforts in California, to counteract the exceptional power of reaction there.
- "8. Development of the National Bail Fund to reach all defendants in civil liberty cases unable otherwise to get bail."

Under the heading of "FINANCES", the following appears on Page 14 of the pamphlet:

"The operating expenses of the work are about \$20,000 a year, at which

the printing of pamphlets, which cost, to publish, \$4,000 a year. There are no funds to meet needs that come from outside. The organization operates on a budget, and

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a system approved by the National
a, 1 Madison Ave., New York, an
information of contributors to public

"Our income is derived wholly from voluntary contributions in amounts from one dollar a year to one thousand. The total number of contributors on our list, January 1, 1921, was 1500. The pamphlet printing fund is in part made up from receipts for pamphlets sold, a comparatively small item.

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Leahora Austin
Oliver Axelson

B.

Mr. Charles Babcock
Mary Bache-Wing
Carl G. Bachman
Corinne Bacon
Mrs. P. C. Bacon
Caroline L. Babcock
Cora E. Bader
Robert C. Bahr
Joshua L. Bailey, Jr.
J. H. Baker
A. A. Baker
Mary E. Bannell
Edith G. Baldwin
Kate S. Baldwin
Annie Muir Baldwin
Mrs. T. P. Baldwin
Prof. Fred G. Bale
L. C. Ballard
Wm. P. Balcroft
Alexander Bannwart
J. Barlach
Charles Barlow
Mrs. Eunice Barnard
A. B. Barnatz
John M. Barnhart
Mr. and Mrs. Lillian Barnes
Earl Barnes
Anna D. Barnett
C. W. Barnett
Mrs. Wm. Barnett
Jas. Baruch
A. Glen Barry
James S. Barton

Richard Barthold
Jessie Bartlett
W. E. Barton
Mrs. G. V. Baur
Mrs. H. E. Bausch
Dr. S. Bayne-Jones
Mrs. Anna W. Beardsley
Helen D. Beaver
Geo. Becker
Mrs. Oaka G. Baeler
K. Beer
John J. Beggs
Hal Bell
J. C. Bell
W. F. Bennett
Mrs. Geo. W. Benedict
M. Toscan Bennett
Irene Benton
Anna Bercowitz
G. W. Bergan
A. A. Berle, Jr.
Alfred L. Bernheim
Miss E. H. Bessell
F. Bestelayer
Alfred Bettman
Mrs. Bevesson
Edward H. Bierstadt
Geo. W. Biddle
Elizabeth Biddle
Frederick Bigger
Alexander M. Bing
Mary C. Bird
Chas. W. Birtwell
Gen. W. H. Bixby
Antoinette Bigelow
Morris A. Black
T. A. Black
Inetta P. Blackburn
Alice Stone Blackwell
S. Blonder
R. J. W. Bloom

Mrs. Alexander Block
S. John Block
Carola Bloomfield
Mrs. L. Bloomfield
R. E. Blount
Herman Blumgart
Mrs. Herman Blumgart
Mrs. E. Blumenthal
R. H. Boeck
B. Bodlander
Jessie Bogen
Mable Bogue
Mrs. Sophie Bohn
Bolmer, S.V. & P.A.
David B. Booth
F. L. Borland
W. P. Borland
J. Berry
Prof. G. L. Burr
Rev. H. C. Burr
Prof. C. J. Burrill
Florence Bospenberger
Alfred J. Boulton
Mrs. G. P. Bourland
E. B. Bowker
Miss Alida C. Bowler
C. A. Bowman
Mary E. Boyd
Rev. M. P. Boynton
Helen Bradfield
Mrs. E. H. Bradford
Frances M. Bradford
James T. Bradford
Rev. Dan F. Bradley
L. L. Brando
W. M. Brandt
Brattland & Sons
Miss C. P. Braddock
Harry C. Branson
Dorothy Brax
Robert Brax

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W. H. Sikes
 Mrs. L. W. Simpson
 Margaret Shipman
 W. G. Simpson
 J. F. Sinclair
 Upton Sinclair
 S. Sindo
 E. O. Sisson
 R. F. Skillings
 H. A. Slakin
 Marion C. Slonimsky
 Albert Small
 Eliz. S. Smedley
 Agnes Smedley
 J. Smentoski
 Miss N. M. Smith
 Anita M. Smith
 Carroll Smith
 Daniel Cranford Smith
 Leonard H. Smith
 Carl B. Smith
 Rev. E. W. Smith
 F. A. Smith
 Franklin E. Smith
 J. Allen Smith
 Marshall E. Smith
 Luther Ely Smith
 Mary P. Smith
 Maurice Smith
 Mrs. Mildred C. Smith
 Philip W. Smith
 J. Russell Smith
 Stella Warden Smith
 M. S. Smyre
 Wm. Smyth
 Morris Smitzman
 John G. E. Sohn
 H. J. Solliday
 George C. Sonntag
 Albert Sortsberg
 Dr. R. B. Sosman

Ruth E. Spaulding
 Mrs. W. W. Speakman
 James O. Spearing
 Fanny Bixby Spencer
 William B. Spofford
 H. Soshinsky
 Janie S. Stark
 L. J. Stark
 Stella B. Stearns
 Pauline Stein
 C. C. Stettbacher
 Miss J. A. Stewart
 Bessie W. Stillman
 Helen Phelps Stokes
 S. A. Stockwell
 Wilbur M. Stone
 Ernest Stone
 Dr. Robert S. Stone
 H. Storm
 Donald G. Story
 Albert Streiff
 Mrs. C. L. Strobell
 Dr. Sydney Strong
 F. K. Stutch
 C. E. Sundberg
 John I. Sutcliffe
 G. Sutter
 Wm. Swanson
 W. I. Swanton
 Channing Sweet
 W. E. Sweet
 Henry B. Sweetland
 Prof. David F. Swenson
 I. A. Swisher
 Mary H. Swope
 Horace M. Swope
 Donald R. Titt
 Tacoma Finnish Wks
 Truxton Talbot
 Peter Talama
 Frank Tannenbaum

Albert E. Taussig
 Clara Taylor
 A. W. Taylor
 George Taylor
 Katharine Taylor
 G. A. Teagle
 Chestor Jacob Teller
 Sidney A. Teller
 J. William Terry
 Jacob Teschner
 Mrs. A. S. Thayer
 Theo. F. Thieme
 Mrs. Alice Thomen
 Elizabeth H. Thomas
 Ellen W. Thomas
 Evan W. Thomas
 Mrs. H. E. Thompson
 Bertha Thompson
 M. I. Thompson
 Dr. T. T. Thomsen
 A. H. Thorpe
 Joseph Tickell
 Edith Tienan
 D. C. Tierney
 O. B. Tingley
 F. S. Titworth
 Edw. D. Tittmann
 Mrs. H. H. Tittmann
 A. M. Todd
 C. M. Todd
 Ida Toepfert
 Edw. C. Tolman
 Richard C. L. Tolman
 Rev. W. H. Tomlins
 Mrs. Helen R. Tondall
 A. T. Torge
 Ridgely Torrence
 Miss M. V. Townsend
 Mrs. G. G. Trask
 A. M. Troyer
 W. H. Tsognitz

Marguerite Tucker
 Mrs. Fred H. Tucker
 Katherine Tucker
 F. H. Tuthill
 E. Louise Tuxbury
 Mrs. Hy. B. Twombly
 H. A. Tyvand
 Elsa Uclend
 Adelaide Underhill
 Elizabeth Underwood
 J. H. Underwood
 V. R. G. Uuhkuris
 Wm. S. U'Ren
 W. Lee Ustick

V.

A. M. Van Auken
 Mrs. Sara H. VanDusen
 Mrs. Doris Van Du Zee
 Thcs. Van Lear
 D. D. Vaughn
 John C. Vaughan
 Eraste Vidrine
 Walter Vincent
 Morris Vogel
 Adrian W. Vollmer
 Helene Von Holland
 Franklin Vonnegut

W.

Lillian D. Wald
 Willard Wattles
 Frank P. Walsh
 Kenneth E. Walser
 Henriette R. Walter
 Wm. W. Walters
 Elizabeth Walton
 Jas. Walton
 James P. Warbasse
 Kate M. Ward
 Mrs. Harry Ward

Aldyth Ward
 Rena Ware
 Mr. & Mrs. H. M. Ware
 Clarence Warner
 Clifford P. Warren
 Prescott Warren
 Wm. C. Warren
 Blanche Watson
 Agnes C. Watson
 W. M. Weatherly
 J. P. Weatherby
 Mrs. George Weber
 A. O. Weekland
 W. J. Wehlau
 Ernest Weidhaas

Dora Weinberg
 Bernard Weinig
 Etelka Weiss
 Irving M. Weiss
 J. W. Welborne
 Rev. Howard M. Wells
 Franklin Wentworth
 Miriam E. West
 Thomas West
 Mrs. Bertna P. Weyl
 R. J. Whitaker
 J. A. Whitfield
 Ella Keats Whiting
 Mrs. H. A. Whitmarsh
 Charlotte Anita Whitney
 Margaret Whitney
 Elsie G. Whitney
 Alma Wiesner
 E. D. Wilcox
 Harry Emerson Wildes
 John Wilkie
 Jesse M. Williams
 Mrs. J. M. Williams
 Mrs. Laura C. Williams
 Viola P. Williams
 Beatrice Wimser

Birch Wilson

Geo. R. Wilson
 John A. Wilson
 W. T. Wilson
 Mrs. A. N. Winslow
 Ellen Winsor
 Mary Winsor
 Mrs. B. Winter
 Thos. E. Wise
 Anne Withington
 William A. Wittick
 W. P. Wohlheter
 Dr. Alex S. Wolf
 Chas. H. Wolf
 J. H. Wolf
 W. E. Wolf
 Leo Wolff
 E. Wolff
 Leo Wolman
 Juliana Wood
 C. E. S. Wood
 J. B. C. Woods
 Amy Woods
 W. J. Woodward
 Robert Wormser
 N. E. Wort
 A. P. Workman
 Victor Wort
 Julius Wortsman
 David Wertsman
 H. N. Wright
 J. M. Wulfig

Y.

H. E. Yarnall, Jr.
 Dr. M. M. Yates
 Dora M. Young
 E. W. Young
 J. O. B. Young

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Z.

E. H. Zaiser
Cloyd E. Zeiders
Wm. A. Zervas
Gregory Zillborg

Savel Zimand
A. G. Zimmerman
John Zimmerman

A financial statement appears on Page 29 of the pamphlet showing the finances of the ACLU as of January 31, 1921. Under "LIABILITIES" the ACLU, among other things, recorded "Funds for Transmission", namely the Upton Sinclair fund, the Virgin Island Printing Press fund, and the Sacco-Vanzetti Defense fund. The statement also mentions an I.W.W. Publicity Fund, as well as an Amnesty Fund and an Anglo-American Conference Fund. The financial statement was certified to by J. B. COLLINGS WOODS, described as a chartered accountant, 501 - Fifth Ave., New York City.

The pamphlet records the following individuals as Officers and National Committeemen of the ACLU in 1921:

Harry F. Ward, New York, Chairman;
Duncan McDonald, Illinois; and
Jeannette Rankin, Montana, Vice-
Chairman;
L. Hollingsworth Wood, Treasurer.

Albert DeSilver and
Roger N. Baldwin, Directors;
Walter Nelles, Counsel;
Lucille B. Milner, Field Secretary.

NATIONAL COMMITTEE

Jane Adams
Herbert S. Bigelow
Sophonisba P. Breckinridge
Robert M. Buck
Joseph D. Cannon
Parley P. Christensen
John S. Codman
Lincoln Colcord

James H. Dillard
James A. Duncan
Crystal Eastman
John Lovejoy Elliott
Edmund C. Evans
Edward W. Evans
William M. Fincke
John A. Fitch

Elizabeth Garley Flynn
William Z. Foster
Felix Frankfurter
Ernst Freund
Paul J. Furnas
Andrew Furuseth
A. B. Gilbert
Norman Hapgood

Arthur Garfield Hays
Morris Hillquit
John Haynes Holmes
Frederic C. Howe
B. W. Huebsch
James Weldon Johnson
Helen Keller
Agnes Brown Leach
Arthur LeSueur
Henry R. Linville
Robert Morss Lovett
Allen McCurdy

Mary McDowell
Grenville S. MacFarland
Oscar Muddous
Judah L. Magnes
W.J.M.A. Maloney
Anne Martin
James H. Maurer
John D. Moore
A. J. Muste
Scott Nearing
Julia B. O'Connor
Wm. H. Pickens
John Nevin Sayre

Rose Schneiderman
Vida D. Souder
Seymour Stedman
Helen Phelps Stokes
Norman M. Thomas
Edw. D. Tittmann
Wm. S. U'Ren
Oswald Garrison Villard
B. Charnoy Vladeck
Bishop Chas. D. Williams
L. Hollingsworth Wood
George P. West

A photographic copy of the pamphlet from which the above material was taken, namely, "THE FIGHT FOR FREE SPEECH", published by the ACLU in September, 1921, is being transmitted to the Bureau with their copies of this report, designated as Exhibit #2.

Through the cooperation of Confidential Informant there were made available what purports to be verbatim excerpts from official minutes of meetings of the Executive Committee of the ACLU during 1920, 1921 and 1922.

A photographic copy of these minutes is being transmitted to the Bureau with their copies of this report, designated as Exhibit #3.

The following are some of the entries appearing in these minutes:

December 6, 1920 - Mr. BALDWIN reported the conclusions of those appointed to recommend further action on the West Virginia situation. The recommendations are to secure, if possible, a Congressional investigation, to hold a meeting of protest in Washington; arrange for meetings of protest in Williamson and Charleston; extend the present publicity program in conjunction with NEIL BURKINSHAW. The recommendations were approved and MR. DeSILVER was re-

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requested to inquire into the possibilities of a Congressional investigation on his trip to Washington this week.

January 3, 1921 - A wire from C. FRANK KENNEY, president of the United Mine Workers of West Virginia, was read, stating that recently arrived immigrants are being sent to West Virginia to act as strike breakers and requesting our assistance. The Staff was requested to take up the matter with the Secretaries of War and Labor, and with the immigration authorities in Washington, New York and New Jersey.

January 10, 1921 - Mr. BALDWIN reported that the Matewan, West Virginia murder trials will open on January 19th at Williamson, W. Va. All data and publicity for the trials are being prepared by W. JETT LAUCK, Investigator, and NEIL BURKINSHAW, publicity man. A letter was read from HAROLD W. HOUSTON, counsel for the union in West Virginia, stating that the draft of the resolution prepared by Mr. DeSILVER had been forwarded to President JOHN S. LEWIS with the request that he ask Senator FRANCE and Representative ROBINSON to introduce it in Congress. Mr. BALDWIN reported that the office had communicated with FREDERICK C. HOWE in regard to the importation of newly arrived immigrants being sent into the West Virginia strike area, and that Mr. HOWE suggested putting the matter before the Department of Labor, which has been done. The committee agreed that we should offer to President FRANK KENNEY of the United Mine Workers of West Virginia our services at his expense in investigating the facts and reporting recommendations.

January 17, 1921 - Mr. WINTHROP D. LANE, who has just returned from the strike district of southern West Virginia where he spent six weeks reported his observations and conclusions. He stated that a Congressional investigation by the Committee on Labor was being actively advocated by the mine workers and that W. JETT LAUCK was drawing a petition to be introduced in Congress. Mr. LANE believed that a demonstration for civil rights such as we had proposed would be effective in Williamson, but not in Charleston. He said the mine workers had very little complaint of the behavior of Federal troops in Mingo county. He thought the most helpful demonstration would be in the counties where the miners had not been allowed to organize. A letter from C. F. KENNEY,

President of District 17, West Virginia, was read stating that no more immigrants were coming into West Virginia from Ellis Island as strike breakers and that no further efforts by us were necessary.

March 21, 1921 - It was agreed to continue the program in regard to the West Virginia miners, regardless of the outcome of the present trial and to push the matter of a congressional investigation before the next Congress. The State Superintendent of Schools has placed the Americanization work in the public schools under the American Constitutional Association, whose program against radicalism has been approved by the West Virginia Manufacturers Association.

February 7, 1921. - In regard to the trial of SID HATFIELD and others in connection with the battle at Matewan, a telegram was noted from HAROLD W. HOUSTON stating that the industrial issues in West Virginia were out of the case.

April 25, 1921 - JUDGE BAILEY of the Mingo County circuit court, on April 23, started an investigation of the border warfare in the Kentucky and West Virginia sections of the Williamson coal strike zone. It was reported that satisfactory progress is being made in getting the resolution before Congress.

May 31, 1921 - The assurance of a senatorial investigation into the civil warfare in West Virginia was noted and it was agreed that we should assist in securing the most effective possible presentation of miners case through the same general arrangements which we made previously for publicity and investigation.

October 3, 1921 - Mr. BALDWIN reported that the Senate hearings on West Virginia would begin on October 10, and that the miners have asked FRANK P. WALSE to help with the hearings and that our services would be required with the publicity and the arrangements of material. The committee approved Mr. BALDWIN'S continuing with any co-operative arrangement with the mines that they might want. A letter to the President will be released some time just before the hearings begin.

October 10, 1921 - Mr. DeSILVER reported that the Washington hearing for the Senatorial committee investigation of the West Virginia situation had been postponed until the 24th; that FRANK P. WALSH had consented to undertake the examination of witnesses at these hearings on behalf of the miners and that Mr. BALDWIN is today in Washington conferring with Mr. WALSH, Mr. HOUSTON, Mr. LAUCK, in regard to preparation of the miners' case.

October 17, 1921 - Mr. BALDWIN reported his conferences at Washington last week with FRANK WALSH, W. JETT LAUCK, BASIL MANLY, and H. W. HOUSTON in regard to the further Senatorial hearings on conditions in West Virginia. Mr. BALDWIN outlined the plan of campaign, and the committee approved our further co-operation with the United Mine Workers in the plans already agreed upon.

October 24, 1921 - Note was made of a letter written to the President by Mr. BALDWIN calling his attention to existing conditions in West Virginia and suggesting that the President request the Senate investigation committee to act as mediators. The hearings before the Senate committee will go on this week, and it is hoped that the resolution calling for an investigation of the Alabama situation will be taken up also.

Mr. DeSILVER read a letter written by Mr. BALDWIN to WILLIAM D. HAYWOOD calling his attention to the fact that his bondsmen have not been indemnified for the loss resulting from his departure from the country.

October 31, 1921 - Mr. BALDWIN reported at length on the Senate hearings on West Virginia held in Washington all of last week, and his work in that connection with Mr. HOUSTON, counsel for the United Mine Workers; FRANK P. WALSH, counsel during the hearings; and W. JETT LAUCK. The staff was authorized to prepare a pamphlet on the situation in West Virginia and go ahead on the plan of co-operation with the United Mine Workers.

Mr. BALDWIN urged an aggressive campaign of political pressure on the Harding administration with the organizer in charge of the Washington office.

November 14, 1921 - Mr. BALDWIN reported that the brief for the miners in the West Virginia case was ready to be submitted to the Senate Committee and that there was nothing further at the moment that could be done. Mr. BALDWIN reported that he had written the pamphlet ordered, and being issued by the League for Industrial Democracy, entitled: "The Next War - in Mingo". (The League for Industrial Democracy is a subsidiary or adjunct of the Civil Liberties Union.)

November 28, 1921 - Mr. BALDWIN submitted a plan for further work in regard to the Senate committee's findings on West Virginia, and for publicity on the entire situation there, which the committee approved.

December 12, 1921 - A letter from JOHN L. LEWIS of the United Mine Workers was noted in regard to publicity on the Senate committee's hearings. The committee agreed to offer our services to Mr. LEWIS in preparing an abstract of the brief by the United Mine Workers, and to order copies for distribution at their expense.

January 3, 1922 - A special report submitted to the executive committee on I.W.W. activities, and "The One Big Union" contains this:

A job delegate of the I.W.W. sends a report to the general executive board from West Virginia in which he states that no coal field in the United States can be more easily organized by the I.W.W. as those on the Kanawha and New Rivers, and he requests that all job delegates who can be spared be sent into the West Virginia fields and they will be able to organize those fields.

May 1, 1922 - It was agreed to get in touch with those familiar with conditions in the martial law district of Mingo County, West Virginia, with a view to a campaign by churches and A.F. of L. unions to have martial law withdrawn.

June 19, 1922 - The reply of counsel for the United Mine Workers at Charleston, West Virginia, was noted, inviting us to make arrangements to test the martial law declaration in Mingo County, which the committee agreed to do, referring the matter to Mr. BALDWIN and Mr. DeSILVER.

July 1, 1922 - A conference of Lawyers to discuss proposed proceedings to enjoin the private guard system in Logan and McDowell counties, West Virginia, and to end martial law in Mingo county, was reported to the committee as arranged as a result of a request from H. W. HOUSTON, chief counsel for the United Mine Workers of District 17.

July 21, 1922 - A report of the district executive committee of the Workers Party of America, in the meeting at Chicago, was received. A communication was received from S. F. KEONEY regarding relief work of families of West Virginia striking miners. Motion made and carried that a committee of five be selected to work out plans for co-operation in this matter, and that the full support of the Workers Party be given by the committee.

AMERICAN CIVIL LIBERTIES UNION
1922 - 1923

In a pamphlet entitled "A YEAR'S FIGHT FOR FREE SPEECH", published by the American Civil Liberties Union in January, 1923, the work of the Union from September, 1921 - January, 1923, is reviewed. A photographic copy of this pamphlet is being transmitted to the Bureau with their copies of this report, marked Exhibit #4.

On Page 1 of this pamphlet, the ACLU states

"Despite the many cases of repression throughout the country there is conspicuously more liberty to speak freely at public meetings without fear of prosecution and more liberty for radical meetings to be held. The Federal agents pay almost no attention to such gatherings and city police do so only occasionally or in exceptional communities.

"Restrictions on periodicals or printed matter have all been lifted despite the fact that the restrictive laws are in force. The Post Office Department is genuinely liberal in its attitude and prides itself on standing for freedom of the press.

"The most widespread interference with freedom of assemblage concerns picketing in strikes which is now prohibited entirely by law, injunction or police orders, or so regulated as to be denied in fact. By far the most restrictive measures on freedom of assemblage, speech and picketing in strike districts are effected through injunctions or armed force. The use of troops constabularies and private armed guards accompanies large industrial conflicts almost as a matter of course. Law enforcement by such means is inevitably arbitrary. We note no particular change in the habits of arresting officers in making searches without warrants in radical cases. Yet the right to be free from searches without warrant is the one civil liberty most strongly asserted by decision of the Supreme Court!"

Continuing, the pamphlet states that

"While the sweeping provisions of the Immigration Act aimed at radical aliens are in use there have been comparatively few cases instituted in the past year. The wave of anti-alien persecution has passed on. The Department of Labor is more reasonable in its interpretations and the summary methods of two years ago have practically disappeared.

"In the schools and colleges the fear of radicalism still persists though student organizations are freer in most schools to hear radical and labor speakers. It is still about as difficult for an outspoken radical teacher to hold a job in either a public or private institution. On the whole the schools are the most sensitive of all institutions to the fear of the criticism of being open to radical thought.

"The attitude of the newspapers reflects the general condition we outline. They are no longer hysterical against radicalism even the most conservative. They are of course dead set against radicals and opposed to militancy in the labor movement. There is, however, enough leaven in several syndicates of liberal newspapers and in the few really independent journals to have very considerably improved the general atmosphere. It is noticeably easier to get across fair reports of radical and labor activities whatever the editorial attitude."

The pamphlet records the following individuals as being members of the National Committee of the ACLU in January of 1923:

| | | | |
|-----------------------|-------------------|------------------------|---------------|
| Jane Addams | Cincinnati, Ohio | Edward W. Evans | Philadelphia |
| Herbert S. Bigelow | Chicago, Illinois | William M. Fincke | Katonah |
| Robert M. Buck | Colorado | Elizabeth Gurley Flynn | New York |
| Joseph D. Cannon | | William Z. Foster | |
| Parley P. Christensen | Boston | Felix Frankfurter | Harvard Univ. |
| John S. Codman | Washington, D. C. | Ernest Freund | |
| Lincoln Colcort | | Paul J. Furnas | New York |
| James H. Dillars | | A. B. Gilbert | St. Paul |
| James A. Duncan | New York | Norman Hapgood | |
| Crystal Eastman | | Arthur Garfield Hays | New York City |
| John Lovejoy Elliott | New York | Morris Hillquit | New York City |

| | | | |
|------------------------|---------------------|----------------------------|------------------|
| John Haynes Holmes. | New York City | A. J. Muste | New York City |
| Frederic C. Howe. | Washington, D. C. | Scott Nearing | New York City |
| B. W. Huebach | | Julia S. O'Connor | Boston, Mass. |
| James Weldon Johnson | New York | William H. Pickens | Baltimore |
| Helen Keller | Forest Hills, L.I. | Father John A. Ryan | Washington, DC |
| Agnes Brown Leach | New York City | John Nevin Sayre | Katonah, N.Y. |
| Arthur Le Sueur | St. Paul, Minnesota | Rose Schneiderman | New York City |
| Henry R. Linville | New York City | Vida D. Scudder | Wellesley, Mass. |
| Robert Morss Lovell | Chicago, Illinois | Seymour Stedman | |
| Allen McCurdy | New York | Helen Phelps Stokes | New York |
| Mary E. MacDowell | | Norman M. Thomas | New York |
| Grenville S. McFarland | | Edward D. Tittman | |
| Oscar Maddous | Manpasset, L.I. | William S. U'Ren | |
| Judah L. Magnes | New York City | Oswald Garrison | |
| W. J. M. A. Maloney | | Villard | New York |
| Anne Martin | | B. Charney Vladeck | |
| James H. Maurer | Reading, Pa. | Frank P. Walsh | |
| John D. Moore | | Bishop Charles D. Williams | |
| Henry R. Kussey | | L. Lollingsworth Wood | New York |
| | | George P. West | Oakland, Calif. |

In reviewing the year's work for 1922, under the heading of "AMNESTY FOR FEDERAL WAR PRISONERS", the pamphlet states, in part, as follows:

"In October, 1921, the Harding Administration had made no move whatever to clear up the issue of political prisoners except to send for EUGENE V. DEBS to come to Washington from Atlanta for an interview with the Attorney-General. Promises of attention later, after various contingencies had been met, were the usual answer of the President to delegations asking their release. The organized movements for amnesty were making efforts at intervals to secure action. The Socialist Party particularly and the Central Labor Bodies Amnesty Conference, affiliated with A. F. of L., sent representatives to Washington, got up delegations and carried on publicity and general agitation.

"But the Civil Liberties Union felt that a more continuous and more dramatic campaign at Washington was necessary with a

central headquarters there. Accordingly a special fund of \$5,000 was raised, half of which was contributed by Mr. ROBERTSON TROWBRIDGE of New York. An office was opened in November, 1921, in Washington in the Md. Building in charge of Miss MARY GERTRUDE FENDALL and preparations were made for vigorous and dramatic work."

Continuing, the pamphlet states -

"The first effort (towards amnesty) was a petition to the President on Armistice Day by a number of Congressional Medal of Honor men and veterans of the World War. Picketing of the Arms Conference immediately followed participated in by a number of these ex-soldiers, interested women and others. This picketing was continued during the entire period of the Arms Conference. Two delegations to see the President were arranged and an active work was kept up among Congressmen, Senators and public officials in Washington."

"The result of all this agitation was the release on Christmas Day of twenty-five prisoners convicted of war offenses of whom twenty were political prisoners sentenced for expressions of opinion or industrial activities. Six of them were members of the I.W.W. against whom it had been feared particular discrimination would be made and for whom special efforts were made to identify them as political prisoners on precisely the same basis as others. Among those released was EUGENE V. DEBS whose commutation of course attracted nation-wide attention. Of the twenty-five war prisoners whose sentences were commuted seven were already out of prison on parole. The President's action in releasing so few was of course a disappointment to the advocates of amnesty who had expected the release of a substantial number of the remaining 118 men.

"The widespread newspaper criticism of the release of Debs and the other prisoners backed up by opposition from posts of the American Legion set the Administration squarely against any further consideration of the issue.....The Joint Amnesty Committee therefore turned to raising the issue in Congress in the belief that if the facts could be gotten across to the country and politicians successfully, the Administration might be induced to act. Senator BORAH expressed his interest introducing in the Senate on Jan. 25th

a resolution calling upon the Department of Justice for full information. The Judiciary Committee of the House which was not much interested in the resolution pending before it agreed however to a public hearing which was held on March 16th at which the presentation of the case for amnesty was in charge of ALBERT DeSILVER, Associate Director of the Union. Representations in regard to the cases of the remaining prisoners were made repeatedly to the President and to the Department of Justice with particular reference to the defects of the whole pardon system on which the Civil Liberties Union prepared a special brief recommending reforms to cut out the injustices and delays."

Continuing, the pamphlet states -

"One of the difficulties encountered in these negotiations arose from the refusal on conscientious grounds of most of the I.W.W. prisoners in Leavenworth and one prisoner at Atlanta to make application for pardon or in any way to state to the Government their view of their cases. In order to see whether some statement could not be secured from these men to counteract the officials' impression that they were 'defiant', Mr. BALDWIN was sent to Leavenworth in February to interview a number of prisoners to get the facts and to make a proposal to them that they in some form jointly prepare a statement of their view of the cases and their reason for their stand. As a result of this and other suggestions, some months later a statement was given out by the prisoners in the form of an 'Open Letter to President Harding' and widely circulated by the General Defense Committee at Chicago. The statement is a forceful document in which the attitude of the prisoners and the facts of the trials are put in telling form. The Department of Justice responded to the Borah resolution with all the available facts in a letter to the Senate under date of March 9, 1922. Senator Borah intended to follow this up with a speech. For that purpose we prepared considerable additional material and analyzed the Department of Justice's record for him. Owing to pressure of other matters the Senator was unable to make any speech on amnesty until his memorable address in Chicago on September 28th. A proposal to reduce the war-time sentences of ten and twenty years to a short 'peace-time' basis was put before the Administration formally by the Union, in the hope that it offered a way to dispose of the whole issue without outright commutation or amnesty, and still effect the release of practically all the men at

an early date. Although the proposal has been constantly urged nothing has come of it. About the time of the Hearing in the House on March 16th the Washington Office interviewed many Congressmen and Senators and secured the signatures of fifty-one members of Congress to a resolution urging the President to grant an amnesty to the remaining political prisoners."

Under the caption of "THE CHILDREN'S CRUSADE", the pamphlet states in part as follows:

"While this work in Washington was going on after Christmas two other activities looking to amnesty had been developing in the West. One under the auspices of the Socialist Party was directed to getting the facts about the tenant-farmers from Oklahoma and Texas who were serving long sentences in Leavenworth and about whom little was known. That work was done by Mrs. BERTHA HALE WHITE of Chicago, Mrs. KATE RICHARDS O'HARE and FRANK P. O'HARE of St. Louis, as a result of contact with the families of these tenant-farmer prisoners and with the families of some of the I.W.W. prisoners conceived the idea of a crusade to Washington composed of the members of these families as a 'living petition' to the President. This crusade was organized in St. Louis during February and March leaving there on April 16th and arriving in Washington, April 29th after visiting the leading cities on the way.

"Our Washington Committee agreed to assist the Children's Crusade in every way as the most likely means of keeping the issue to the front. The energies of the office were devoted to it during its early days in Washington. Indeed so completely did the Washington work become centered in it that we accepted the financial responsibility for maintaining the crusade and acted as their consultants and advisers throughout, both during the period when Mrs. KATE RICHARDS O'HARE was in charge and following that under the direction of Mrs. MARY D. WHITE of Cincinnati. Miss FENDALL as Director of the Washington office ended her period of work shortly after May 1st when the Children's Crusade arrived. The presence of the wives and children of the prisoners in Washington aroused a widespread interest there and throughout the country for the first few weeks. The newspapers were on the whole sympathetic. The President refused to see any

of the crusaders even after daily appeals to the White House for an entire month. The Crusade then began picketing the White House on June 1st and continued that daily without a breakup to July 19th, the day the President saw the first delegation on amnesty since before Christmas.

Continuing, the pamphlet states "The work of the Children's Crusade was aided by the attack made on the Attorney General by Senator CARAWAY of Arkansas in relation to the pardon of CHARLES W. MORSE. Senator CARAWAY'S attack was started by his reference to the President's refusal to see the Children's Crusade and his comment on the Department of Justice's tactics in handling pardons. This was strengthened by the report on the 'Illegal Practices of the Department of Justice' made just about this time by Senator WALSH of Montana, Chairman of the Committee appointed by the Senate to investigate the charges made during the Palmer regime.

"All this activity stirred the Pardon Attorney's office into action and for the time very largely changed the attitude of the officials. As a result the sentences of twelve prisoners were commuted. Of the thirteen families represented in the Children's Crusade seven went home with their men released. These released gradually reduced the number of persons in the Crusade so that by the first of July it had been cut down from the original thirty-three on May 1st to seven. The Crusade was practically disbanded after the delegation saw the President on July 19th when he promised to review within sixty days all the remaining cases before the Government. At that time it looked as if the sentiment for amnesty had struck home sufficiently to insure the release of the remaining men in a comparatively short time.

"That sentiment was considerably aided by the 'million signatures petition drive' of the General Defense Committee of the I.W.W. at Chicago aided by Committees in other cities. The Union assisted the Committee in that work both in New York and in Washington."

Continuing, the pamphlet states "After the President's

promise on July 19th it was generally agreed among the forces working for amnesty that picketing should be abandoned for the sixty-day period, but that intensive work at Washington needed to be kept up with the Pardon Attorney's office and at the White House. Through a gift of \$1,000 made through the Philadelphia Committee for Political Prisoners we were enabled to put HAROLD KELLOCK of New York, in charge of the Washington office for that sixty-day period for negotiations both with the White House and the Department of Justice and for the general publicity involved.

"Just at this time, however, the coal strike and the strike of the railway shopmen, with the consequent industrial unrest, made the President decide that it was unwise to carry out a policy of releasing radicals at such a time. The whole work of handling cases considerably slowed down, the Attorney General's office taking an unfavorable attitude. The close of the sixty-day period (September 19th) saw no commutations and very little promise of action. In October a vigorous new campaign was organized at Washington under the Joint Amnesty Committee with an expanded committee in charge representing groups in Baltimore, Philadelphia, New York and Boston, and with Miss MARY GERTRUDE FENDALL again in active charge of the office. The responsibility for the work passed from the Executive Committee of the Civil Liberties Union to the Joint Amnesty Committee's larger new executive group."

Under the caption "PRESENT FACTORS (February, 1923), the pamphlet states "In a general way the following are the present factors in the campaign for the release of the sixty-three prisoners remaining December 31, 1922. The President is fearful of public opinion and acts only either when there seems to be a favorable wave of feeling or when he can do so without attracting attention. He is obviously prejudiced against I.W.W. Political prisoners. The Attorney General has little knowledge of the cases, relies upon his subordinates and in a general way reflects all the current newspaper prejudices. The Pardon Attorney's office which is responsible for handling the cases would evidently like to get rid of them all but must go through the departmental routine to do so. This includes securing reports - presumably favorable reports - from the trial prosecutors and judges. These

have been very difficult to get in most cases. The work of gathering the information is very slow and the Pardon Attorney's office is not equipped to handle so many cases of a highly specialized character at one time."

Continuing, the pamphlet states that "The policy of the Department of Justice in relation to this group of prisoners has frequently changed under pressure by amnesty advocates. They refused for a long time to consider the cases of men who had not made applications for pardon and yet finally waived that point when they found the men persistent in their view. They were at one time not recommending pardons for men who had not recanted their radical views or severed their connection with radical organizations openly subscribing to the Mediaeval doctrine that no man could be saved who didn't profess the true faith.

"The opposition to amnesty has come chiefly from the American Legion, conservative newspapers and a few special so-called patriotic societies.....After DEBS' release last Christmas it (opposition) became vocal.....As one newspaper put it, 'The average man doesn't care whether these prisoners are in or out and certainly wouldn't lift a finger to help them get out.' Some confusion and disagreement have been caused within the amnesty movement itself by an unfortunately bitter conflict between two groups of I.W.W. prisoners in Leavenworth Prison--those who refuse to make applications for pardon and those who have filed individual applications. The Civil Liberties Union has consistently taken the position that it would help release all bona fide political prisoners on their own terms and would not participate in any way in such an organization controversy as that which has split the prisoners and many of their friends into factional groups. We published a letter to the General Defense Committee outlining our policy and have so repeatedly advised prisoners and inquiring friends. This is the stand also taken by the Joint Amnesty Committee at Washington and the group affiliated with it."

Continuing, the pamphlet states "The work at Washington during the last year was conducted under the auspices of the Joint Amnesty Committee affiliated with the Civil Liberties Union alone up to October 1st and since with organizations in five cities.

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The members and officers were: Gilson Gardner, Chairman; Basil M. Manly, Treasurer; Mary Gertrude Fendall, Director; William H. Johnston, Mrs. Lillian Kisluik, Mrs. Robert M. LaFollette, Walter Liggett, Jackson H. Ralston, Rev. John A. Ryan, Mrs. Charles Edward Russell, Harry Slattery, J. David Thompson, Laurence Todd and Frank P. Walsh. Mr. Baldwin went to Washington practically every week during the year up to October for the weekly meeting of the Committee in order to tie up the efforts in Washington with the work conducted from the New York office. Mr. DeSILVER has frequently assisted with special visits to Washington on legal aspects of the work. Outside these general efforts for political prisoners the Union has dealt during the last year with the cases of a number of State political prisoners rendering incidental help to local committees and individuals interested.

"We are assisted in the work for the release of Mrs. MARY HUNT and her two sons, RALPH and WESLEY, from the Colorado State Insane Asylum to which they had been committed during the war for their pacifist views as Seventh-Day Adventists.

"We issued a statement in the case of LINN A. E. GALE, a military prisoner because of his efforts to enlist the friends of political prisoners in his behalf after he had offered to turn informer for his freedom. He later repudiated his radical views and connections in a formal statement issued through his counsel. We have also endeavored to assist in the case of a military prisoner, ANTON KARACHUN, a Russian alien, who, so far as we know is the only military political prisoner still held. He got a twenty-year sentence for desertion after he had been unlawfully drafted for service in Siberia against his fellow-countrymen."

Under the caption of "POST OFFICE DEPARTMENT", the pamphlet states "In the past year the Post Office Department cleaned up all the difficulties created by the censorship established during the Burleson regime when scores of books and periodicals were barred from the mails and second class privileges taken away. There are now no periodicals or books barred from the mails for their expressions of economic or political opinion nor any periodicals which have lost second class privileges on that account. The last periodicals against which such discrimination had been made were

readmitted to full mailing privileges in November, 1921. Four books which had been barred were readmitted in 1922.

"The last ALEXANDER BERKMAN'S Prison Memoirs of an Anarchist was restored to the mails on September 7, 1922. The Post Office Department still has the power of censorship, although it does not exercise it. Title XII of the Espionage Act is still in force. So also is a section of the obscenity statute which prohibits the Post Office from accepting any matter which 'advocates murder, arson or assassination'. The Department still bars from the mails a number of books held to be obscene. Although so far as our advices go they merely discuss scientific matters relating to sex."

Under the caption of "DEPARTMENT OF JUSTICE PROSECUTIONS", the pamphlet states, in part, "Despite the fact that the Espionage Act was completely suspended March 3, 1921, prosecutions began under it before that have gone ahead in the Courts. Attempts to get the Department of Justice to dismiss these untried cases have been unsuccessful although a number of district attorneys have moved to dismiss some of them. There are about thirty cases in which indictments have been brought and the cases not tried. Other cases are in the Appellate Courts awaiting decision. One conspicuous case is that of twelve men and one woman at Cincinnati charged with distributing anti-draft literature in June 1917. The case was not argued in the Circuit Court of Appeals until December 1922, the long delay being due to the failure of the District Attorney to file his brief. There is also a case from St. Louis, in the Circuit Court of Appeals in which the defendant JOSEPH BALSTRUSAITIS was arrested and convicted as late as October 25, 1921, for distributing communist literature.

"The Department of Justice having no Federal law under which to prosecute radicals for expressions of opinion has occasionally stimulated State authorities to prosecute under State Criminal Syndicalism or Sedition Laws. That was done in 1920 after the PALMER raids. The most conspicuous case since then is that of The Communists arrested in Bridgman, Michigan, on Aug. 22, 1922, where they were holding a secret convention. The raid was directed by WILLIAM J. BURNS, Chief of the Bureau of Investigation of the Department of Justice, in an attempt to jail all of the

leaders of the communist movement which the Federal Government had driven underground in 1920. The twenty-three defendants among whom are WILLIAM Z. FOSTER, C. E. RUTHERBERG and other well known radicals are being defended by FRANK P. WALSH backed by the Labor Defense Council specially organized to defend these cases, with headquarters at 166 West Washington St., Chicago.

"The Civil Liberties Union has been cooperating actively with the Defense Council in an effort to give wide publicity to the unauthorized use of Federal funds to prosecute a State case and in order to expose the tactics of the Department of Justice against radicals. We were engaged in a lengthy public controversy with a representative of the American Defense Society as a result of attacks on the Civil Liberties Union and other liberal organizations in the Boston Transcript in which the Michigan cases were the central factor."

Under the title of "GAG LEGISLATION", the pamphlet states "There have been few efforts during the past year to pass any new restrictive laws. The thirty-five State Criminal Syndicalism and Peace-Time Sedition Acts remain on the books although in two States with the most drastic provisions Kentucky and Pennsylvania--they were very considerably modified by the legislatures in 1922.

"A novel piece of legislation in Oregon passed by popular vote at the November election has challenged the attention of the Union. It is a law which requires all children between certain ages to attend the public schools of the State. It is aimed primarily at the Catholic parochial schools but would also put out of business practically all private schools. We regard the law as an infringement of religious and civil liberty and are cooperating with those who are planning to carry it through the highest Courts."

Continuing, the pamphlet states "None of the proposal for giving the Federal Government power to deal with utterances has met with any appreciable response at Washington and there is no present danger that any such legislation will be passed. The power of injunctions in industrial disputes sweepingly extended against civil rights seems to take the place of gag laws in times

of crisis often backed up by the direct use of the police power.

"The sweeping injunction against the railway shopmen secured by Attorney General DAUGHERTY in the Federal Court at Chicago enlisted our interest. We at once offered to the railway organizations the services of our attorneys all over the country in defending any persons charged with violating that and similar injunctions. As a result we were able to be of service in a number of cases. Our main effort, however, has been directed to getting a test of the right of a Federal Court to extend its power outside its own district.....

"One case involving JACOB COHEN, editor of the Memphis Labor Review we have assisted on its way to a decision in the Appellate Courts because we regarded the issue of great importance and the case a good one. A similar case against G. V. SANDERS, Editor of the Memphis Press, a Scripps paper involving much the same issues is also in the higher Courts.

"The very great difficulties in overcoming the power of injunctions in industrial conflicts where civil rights are affected led us to propose an exhaustive study of injunctions with a view to finding effective remedies. We endeavored to associate with us a number of other interested organizations but succeeded in getting only two. Negotiations are now under way with others in an effort to have the study made through the Labor Bureau financed largely by labor organizations."

Under the heading of "COURT DECISIONS", the pamphlet states, in part, "State Supreme Courts Decisions in which attorneys for the Civil Liberties Union were actively interested or directly involved as counsel were these:

1. Holding unconstitutional the New Mexico Sedition Law, November, 1921. EDWARD D. TITMANN of El Paso, a member of our National Committee, represented the defendant.
2. The California Criminal Syndicalism Law upheld in the same month and

3. The Mt. Vernon, N. Y., ordinance giving the mayor discretionary power in granting permits for speaking on the public streets, upheld by the Court of Appeals in N. Y. but taken up to the Supreme Court of the U.S. by ARTHUR GARFIELD HAYS."

Under the heading of "LOCAL CASES", the pamphlet states that "Most conspicuous and numerous of all prosecutions under State Criminal Syndicalist Laws are those in California. They have been directed primarily at the I.W.W. Prosecution of members of the Communist Labor Party at Oakland under an old indictment was resumed the case again resulting in a hung jury. It is understood that the indictments will be dropped. Fifteen members of the Socialist Labor Party were prosecuted in Los Angeles but the case was finally dropped before trial. In the case of MISS CHARLOTTE ANITA WHITNEY of Oakland convicted in one of the original Communist Labor Party cases an appeal is being taken to the U. S. Supreme Court in which we have secured the cooperation of SAMUEL UNDERMYER of New York who will argue the case with JOHN FRANCIS NEYLON of San Francisco. The object of the appeal is primarily to bring the California law before the U. S. Supreme Court. Criminal Syndicalist prosecutions in the State of Washington where after California they are most numerous have resulted in recent months in either very light sentences or acquittals. The law is rapidly becoming a dead letter there. In New York State the Union has been cooperating with the attorneys for those convicted under the criminal anarchy law and is making efforts to secure from the new governor, ALFRED E. SMITH, the pardon of the five in prison. We are also cooperating in movements for the repeal of the Lusk Laws controlling public education, State Martial Law or Constabularies."

Continuing, the pamphlet states "The three States in which military force has been most extensively used in industrial conflicts during the year are Colorado, Pennsylvania, and West Virginia....."

"In Colorado on three separate occasions during the past year, we have made efforts in cooperation with mine workers' officials to mitigate some of the rigors of rule by the Colorado State Rangers under Adjutant General HALROCK. In November we sent

a special investigator, CRAMER GARTZ, into Huerfano County for a first-hand report on conditions while the rangers were there administering their own brand of law.

"We were unable to effect any results but it is significant that the chief local opponent of the rangers, J. F. COSS, Editor of the Holsenberg Independent, was elected to the State Senate a year later in the same campaign in which WILLIAM E. STREET, militant opponent of the rangers, was elected governor.

"During the coal strike in 1922 the rangers were again sent into the coal districts and we endeavored by protest and publicity to stir up sentiment against their activity. Our negotiations with Governor SHOUP brought no results. In August, 1922, Adjutant General HAMROCK forcibly deported from Denver WILLIAM Z. FOSTER who had come to make a speech and dumped him over the Colorado line into Wyoming. We determined to get FOSTER back to Denver to make a speech while Governor SHOUP and Adjutant General HAMROCK were still in office and succeeded in doing so on December 29th. Adjutant General HAMROCK held with an audience which packed the Painters' Hall. Plans to press a suit for damages against Adjutant General HAMROCK on behalf of FOSTER were dropped after the November election partly on account of the victory over HAMROCK at the polls, and partly because of the very considerable expense."

Continuing, the pamphlet states "Other places in which troops were called in industrial conflicts and in which we endeavored to secure either their withdrawal or modification of repressive measures adopted by them were Gallup, New Mexico in the coal strike of 1922 to which MR. EDWARD TITTMANN of El Paso went as our representative to investigate conditions; Ottumwa, Iowa, in the packers' strike, November, 1921; South St. Paul, during the packers' strike a month later; the Rhode Island textile strike in July where we sent in speakers to aid strikers' meetings and Alabama during the coal strike where we were unable to get any action whatever.....

"The one metropolitan city in the United States where the police continuously censor radical and labor meetings is Philadelphia. Our efforts to get the issue into the Courts have been so far unsuccessful. It has proven difficult because the police will not make arrests when they know that test cases are

3. The Mt. Vernon, N. Y., ordinance giving the mayor discretionary power in granting permits for speaking on the public streets, upheld by the Court of Appeals in N. Y. but taken up to the Supreme Court of the U.S. by ARTHUR GARFIELD HAYS."

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"The one metropolitan city in the United States where the police continuously censor radical and labor meetings is Philadelphia. Our efforts to get the issue into the Courts have been so far unsuccessful. It has proven difficult because the police will not make arrests when they know that test cases are

being arranged. Significant of their activity was the arrest in April, 1922, of Miss Ellen Winsor and Mrs. EDMUND C. EVANS for distributing amnesty literature in the lobby of a theatre. The case was dismissed when it came to trial.

In Pittsburgh the Workers Party has had difficulty in securing permits for street meetings. Our local attorneys and friends on several occasions were able to intervene successfully with the authorities.

Other difficulties with city police in which the Union was active were:

(1) In Denver where the police raided the Labor Forum in February, 1922, and arrested several persons. Our attorney thereupon sued the police. The action seems to be having a salutary effect for there have been no difficulties since.

(2) In San Francisco where the police have repeatedly raided the Marine Transport Workers' Hall arresting all those present on charges of vagrancy, which are invariably dismissed in the police court. Our attorney in San Francisco has prepared a suit against the police which it is thought will stop this practice.

(3) In New York City where there is comparatively little interference by the police with meetings even when held on the public streets there were several difficulties during the year in which our attorneys rendered help, notably the breaking up of a birth control meeting in the Town Hall in November 1921, at which Mrs. MARGARET SANGER was billed to speak; interference with the unemployment meetings in the same month organized by URBAN J. LEDOUX and the summary closing of a ball given by the Liberator because "Negroes were dancing with white women". Efforts of the N. Y. City police to break up meetings of the Ku Klux Klan and to handle Klan activities in the same lawless manner as they often handle radicals met with a vigorous protest from the Union. Although we are, of course, uncompromisingly opposed to the principles and activities of the Klan, nevertheless we have demanded for them as for everyone else the free exercise of their civil rights without official interference."

"(4) The arrest of several members of the I.W.W. for vagrancy in Shreveport, Louisiana, resulted in the whipping and deportation from the city of a Chicago lawyer, HAROLD O. BUSKES, who had come to represent them. The Union engaged in extensive negotiations to secure another lawyer to go into Shreveport but without success. A vigorous correspondence with local and State officials and with the local and State Bar Associations produced very considerable publicity on the issues involved.

(5) The breaking up of three Sacco-Vanzetti Defense meetings in eastern cities conspicuously one in Newark, N. Y., where we were able to secure a later meeting without interference.

(6) In Manchester, N. H., the chief of police undertook to exercise arbitrary power during the textile strike over public meetings of the strikers. On account of the unwillingness of the United Textile Workers to make an issue of it we were unable to secure results.

(7) In Youngstown, Ohio, and Pittsburgh the authorities threatened to prevent WILLIAM Z. FOSTER and C. E. RUTENBERG from speaking at public meetings on the defense of the Michigan Criminal Syndicalist cases. Our local committees intervened actively and in cooperation with the N. Y. office registered protests which resulted in the authorities withdrawing from their position."

Under the caption "SCHOOLS AND COLLEGES", the pamphlet states "The Union was active during the year in several cases of suppression of free speech in the colleges notably in trying to stage in protest meeting at Clark University where SCOTT NEALING'S lecture was stopped by the president on the ground that the students should not hear his doctrines. The chief attack on freedom in education has been in New York State where the Lusk Law inhibition of New York City School Teachers took place in the Spring of 1922. The attack on the Rand School under the Lusk Law has enlisted our cooperation, as has also the effort to get the New York Board of Education to take a more liberal attitude in regard to open forums in the public schools. No result was achieved the Board still maintaining its right to censor speakers and subjects which means the practical exclusion of radicals from such forums."

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Under the caption "WEST VIRGINIA", the pamphlet states "The March of about 10,000 armed union miners in September 1921, against the rule of the private gunmen of the coal operators in Logan County and the counties south resulted in the appointment of a senatorial investigation Committee with Senator WILLIAM S. KENYON of Iowa as Chairman. It also by the way resulted in about 1800 indictments for murder and treason brought by the Logan County Grand Jury. The United Mine Workers District 17 made an agreement with the Civil Liberties Union to handle for them the presentation of their case to the Senatorial Investigating Committee which involved extensive work in West Virginia, Washington and New York. Two representatives of the Civil Liberties Union accompanied the Senatorial Investigating Committee in Mingo and Logan Counties."

"Because the single issue behind all the difficulties in West Virginia is civil liberty we have been called upon to render assistance to the United Mine Workers District 17, by publicity and legal and other aid. In July 1922, we secured the services of ALFRED BETTMAN of Cincinnati, former assistant to the United States Attorney-General, who made an examination of conditions in West Virginia and recommended a plan of action to bring the issue of free speech effectively before the Federal Courts. The Civil Liberties Union is now working on MR. BETTMAN'S recommendations which involve primarily a direct testing of the practical right of free speech in the heart of the territory where rights are denied- Logan County.

By arrangement with the United Mine Workers, District 17 we have assisted in organizing publicity on a National scale in connection with some of the trials which grew out of the armed march of the miners in September, 1921."

Under the caption "COAL STRIKE", the pamphlet states "Immediately when the national coal strike was called on April 11, 1922 we offered the assistance of the 1000 lawyers cooperating with us throughout the country wherever any issue of civil liberty was involved. We circularized our lawyers asking them to take such cases when possible without fee or at cost and we circularized the miners' unions telling them to call on us if we could serve them. As a result we were active in a number of cases although fortunately there were very few which arose out of that strike."

"Our chief efforts centered in the non-union territory of Western Pennsylvania where free speech in certain closed mining towns has long been outlawed. ARTHUR GARFIELD HAYS of New York volunteered his services as attorney to make a test in one of the most notorious of these closed towns, Vintondale. He went there on May 28, 1922, with a party of United Mine Workers' officials and newspaper men, and was assaulted and jailed. He went back with warrants for the arrest of the coal and iron police and the officials of the Vinton Colliery Company for assault. The arrests were upheld in the Courts and the men were fined. He brought an injunction restraining them from interfering with the exercise of civil rights. The coal company secured a stay of the injunction but the Pennsylvania Supreme Court vacated the stay and the injunction held. It was later dismissed. MR. HAYS also brought suit for heavy damages against the officials of the coal company which is yet to be tried. Meanwhile freedom to meet and speak is a reality in Vintondale."

Under the heading of "DEFENSE WORK", the pamphlet states "Our chief contribution to defense work is furnishing bail through the National Bail Fund, an independent enterprise which works in close cooperation with the Union. The trustees are ALBERT DeSILVER, NORMAN THOMAS and L. HOLLINGSWORTH WOOD with an auditing committee composed of ARTHUR GARFIELD HAYS, OSWALD GARRISON VILLARD and CHARLES J. RHOADS. ***** Any inquiries regarding the Fund should be addressed to ALBERT DeSILVER, trustee, 68 William Street, New York City."

"As a result of a general appeal for funds to help in defense work placed in the form of advertisements in three liberal publications in December, 1921, about \$1200 was collected. After the cost of advertising had been paid \$500 was sent to the National Defense Committee defending communistic cases, \$300 to the General Defense Committee of the I.W.O. and \$200 to the California Defense Committee at San Francisco. Loans have been made at various times to the National Defense Committee to meet emergencies in the conduct of its work."

Under the caption of "DIRECTION OF THE WORK", the pamphlet states "The National Committee of the Union has final

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authority in the control of policy and the election of officers. With a committee so widely scattered all votes are taken by mail. Two meetings a year are held in New York City for those members who can attend. The following changes have taken place in the National Committee during the year. New members elected: Father JOHN A. RYAN, Washington, D. C. and FRANK P. WALSH, New York City. Members resigned: JOHN A. FITCH, New York City and ANDREW FURNSETH, Washington, D. C. At the semi-annual meeting of the National Committee held in November, 1922, group conferences were arranged at the same time to discuss the problems with which we are dealing. One of them was devoted to more effective cooperation with labor organizations another to building up a better legal service in civil liberty cases particularly as they affect labor, and another covered a general discussion of the program of activities ahead in the fight for free speech."

Continuing, the pamphlet states "The Executive Committee composed of members of the National Committee changes somewhat according as members are able to attend regularly the weekly committee meetings. On January 1, 1923, the Executive Committee was composed of: JOSEPH D. CAMERON, ELIZABETH CURLEY FLYNN, JOHN HAYNES HOLMES, BEN. W. HUEBSCH, JAMES WELDON JOHNSON, MRS. AGNES BROWN LEACH, DR. HENRY LINVILLE, SCOTT HEARLING, JOHN KEVIN SAYRE, NORMAN THOMAS, B. CHARNEY VLADECK, L. HOLLINGSWORTH WOOD and the officers."

"The officers of the Union are: HARRY F. WARD, Chairman; DUNCAN McDONALD and JEANNETTE RANKIN, Vice-chairmen; HELEN PHELPS STOKES, Treasurer; ROGER N. BALDWIN, Director; Albert DeSILVER, Associate Director, and WALTER NELLES, counsel."

"During MISS STOKES' absence in Europe, L. HOLLINGSWORTH WOOD serves as Acting Treasurer. With the removal from Washington of Mr. HENRY R. LULLY in February, 1922, GILSON GARDNER agreed to serve as our Washington correspondent."

Continuing, the pamphlet states, "The local committees affiliated with the Union change in their degree of activity in accordance with the ability of various persons to give time to the work. There are about fifteen such committees or local secretaries who can be counted upon for independent activity or on

request as follows:

Maryland Civil Liberties Committee, Baltimore
T. S. WETTER, Secretary
ELIZABETH GILMAN, Chairman

New England Civil Liberties Committee, Boston
MRS. ANNA N. DAVIS, Secretary

Chicago Civil Liberties Committee
MISS ELLA BOYNTON, Secretary

Detroit Civil Liberties Committee
MISS AGNES HIGLIS, Secretary
MRS. WM. A. MCGREW, Chairman

Workers' Defense Union, N. Y. City
ELIZABETH CURLEY FLYNN, Secretary

Philadelphia Civil Liberties Committee
EDMUND C. EVANS, Secretary
E. LEWIS BURNHAM, Chairman

Youngstown Workers' Defense League
WALLACE METCALFE, Secretary

Buffalo, New York, ALFRED PRIDDIS, Secretary
FREDERIC ALMY, Chairman

Cincinnati, Ohio
MRS. MARY D. BRITE, Secretary

Cleveland, Ohio
M. C. HARRISON, Secretary

Pittsburgh, Pa. (not affiliated)
WAYNE PAULIN, Secretary
REV. WM. FARMER, Chairman

Rochester, N. Y.
ALBERT E. COPELAND, Secretary

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GEORGE HERBERT SMITH, Chairman

St. Louis, Missouri

MRS. AGNES IVES, Secretary

"The most active of the committees have been those in Detroit, Boston and Youngstown, Ohio. The lawyers associated with this work remain about the same in number over 800. All of them receive free of charge the bulletins on important civil liberty cases prepared by WALTER NELLIS our counsel. Five bulletins were issued during the year on the following subjects: Application of Clayton Act; Distinction between lawful and unlawful persuasion to strike, New York decisions as to street meetings and licenses; Sedition, criminal syndicalism and criminal anarchy decisions; New York Lusk Law - licensing of schools held Constitutional, the Daugherty injunction - United States vs. Railway Employees Department A. F. of L. and others."

"Some 1100 correspondents both State and local are circularized regularly for information and receive most of our publications. Through them we get first-hand contact with local situations as they develop." * * * * *

"During the year the Civil Liberties Union published the following pamphlets and leaflets.

The Mob Mind vs. Civil Liberty by EVERETT DEAN MARTIN analyzing our crowd behavior (32 pages)

Civil Liberty -- A statement of the Union's position on the present issues.

Set the Political Prisoners Free (4 page leaflet listing men still in Prison August, 1922.

Who May Safely Advocate Force and Violence (8 pages)

The Michigan Communist Trials (4 pages)

The Truth About the I. W. W. Prisoners (48 pages)

In addition a regular mimeographed summary of all cases of violation of civil liberty reported to us are sent out to those who have subscribed to that service. Forty-five reports were issued in 1922."

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"A book on conscientious objectors during the great war, the material for which was taken chiefly from the files of the National Civil Liberties Bureau, has been written by NORMAN THOMAS and will soon be published. A book on the restrictions on freedom in teaching has been practically finished by DR. HENRY R. LINVILLE much of the material being taken from our files."

Under the heading of "FINANCES", the pamphlet states, in part "We proceed on the theory that ours is a definite piece of general propaganda and first aid and that any additional work should be financed by special groups organized for that purpose just as is the defense work in all important cases. The National Defense Committee for instance handles communist cases."

The Labor Defense Council is handling the Michigan Criminal Syndicalist cases. The General Defense Committee of the I. W. W. takes care of cases involving members of that organization, and the Sacco-Vanzetti Defense Committee in Boston carries the burden of that case. The Joint Amnesty Committee at Washington raises the funds for that special campaign. Our work is a constant and steady volume changing in character with the varying aspects of the struggle but requiring about the same amount of energy and money to keep it going."

Charles Garland Fund

* * * * "Some of those active in the Civil Liberties Union are responsible also for the administration of the American Fund for Public Service to which CHARLES GARLAND left his fortune. We have declined, however, to make any request for funds for our operating expense from that source in the belief that a general work for free speech ought to be supported by those who believe in it all over the country and that a comparatively modest budget like \$18000 should easily be raised. We feel that that fund ought to be devoted exclusively to enterprises which cannot command the public support which the fight for free speech commands and should continue to command."

Under the heading of "WORK AHEAD", the pamphlet states, "An effort will be made in the new Congress in 1923 to secure the repeal of the Post Office Censorship Section of the Espionage Act which is still in force; of the section of the Obscenity Statute

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which relates to expressions of political opinion; and of the sections of the Immigration Act excluding or deporting aliens because of their political views.

Efforts are being made in a number of the twenty-nine States with Criminal Syndicalism or Sedition Laws, where the legislatures are meeting this year to secure the modification or repeal of the laws. Campaigns against other restrictive legislation are being carried on by various groups, particularly against the Industrial Court Law in Kansas and the "Lusk Laws" controlling teaching in New York State."

"The November election brought into office progressive and liberal governors in a number of States where the restrictions on civil liberty have been most sweeping. Under these administrations the use of troops constabulary and restrictive laws in industrial conflicts will doubtless be eliminated or greatly reduced. This will doubtless be true of Pennsylvania under GIFFORD PINCHOT as Governor of Colorado under William E. S. EET, of Arizona under GEORGE W. P. HUNT, of New York under ALFRED E. SMITH and of Kansas under Jonathan DAVID."

It will be noted that reference is made in the above report to the so-called GARLAND Fund. According to the testimony of WALTER B. STEELE before the DIES committee as set forth on Page 111 of the Dies Report, the American Fund for Public Service, commonly known as the GARLAND Fund was established when "A young intellectual named GARLAND turned over his entire inheritance, amounting to \$900,000 to a board composed of communists, socialists and other radicals. GARLAND ordered that the money be turned into cash and expended in the promotion of revolutionary radicalism. The headquarters of the GARLAND Fund for Public Service is located at 2 - West 13th St., New York City and members of the original board include ROGER BALDWIN, WILLIAM Z. FOSTER and NORMAN THOMAS."

AMERICAN CIVIL LIBERTIES UNION, INC.
1923-24-25

No direct information in the form of reports or releases by the ACLU is available regarding its activities in 1923-24 and 1925, but some information from newspaper clippings and other publications discloses some of the Organization's activities during those years.

A release known as "The Searchlight" by FRED R. MARVIN under date of April 4, 1924, states that the American Civil Liberties Union recently issued a confidential book to radical speakers directing them "how to handle their disloyal and un-American gatherings". According to this release, the principal instructions are as follows:

"1. The most important point to bear in mind is that free speech can be only by speaking. When unlawful obstacles are placed in the way the meeting should, if possible, be held notwithstanding, and the speeches made. If the authorities interfere unlawfully it may be desirable for the speaker to continue until arrested, or forcibly prevented from continuing, if counsel advises by such a course a clear cut issue of speech can be successfully raised. That issue generally can be successfully raised if interference takes place on private property where there is no technical violation of laws as to admission fees, fire regulations, obstruction of traffic, and the like. It is important to bear in mind that police orders are not laws, nor are the edicts of officers other than courts or judges.

"2. No speaker should submit to preliminary censorship by the police or other authority. No authority has the right to censor in advance what speakers have to say. Speakers should, however, bear in mind that the usual purpose of test meetings is to establish the right to speak or advocacy. They should refrain from predictions, prophecies or suggestions which hostile interpretations might twist into violation of criminal syndicalism and sedition laws.

"3. In case the police close the hall and thus prevent a scheduled meeting from taking place, efforts should be made to secure another meeting place even if it involves having a smaller audience;

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"4. If the meeting is stopped after it starts and the police attempt to adjourn it without arresting any speaker, an arrest should be forced unless it involves danger of disorder by others than the police. The best way to force the arrest is to keep on speaking. If the police refuse to arrest, but endeavor to molest the speakers by putting hands on them, it constitutes a case of assault. Witnesses should be secured and a case brought against the offending officers, or, if possible their responsible superiors. Whoever has charge of a meeting should refuse to adjourn upon the orders of the police officers, if the officers refuse to make an arrest, so the issue can be tested in the courts. If the officers attempt to disperse the audience he may advise the audience to remain in their places, unless there is risk of disorder and violence. Persons wrongfully arrested should, upon their release, bring civil suits against the officials responsible.

"5. If the speaker is unlawfully arrested and the meeting allowed to proceed, see that red-hot protest is made against the conduct of the police and send a committee from the meeting to police headquarters to make a protest and see if something can not be done to get the speaker released without further proceedings.

"6. Where meetings have been interfered with by official lawlessness stage a protest meeting for the earliest practicable date. At that meeting make the subject only that of the right of free speech, repeating in substance what was said at the previous meeting as an evidence of exercising that right. Get persons not connected with the meeting and of as great prominence as possible in the community either to address the meeting or to sit on the platform."

A photographic copy of the above-referred to release is being transmitted to the Bureau with its copies of this report, designated as Exhibit #5.

The April 5, 1924 issue of "The Searchlight" by FRED R. MARVIN sets forth the following information regarding the ACLU.

"This set of orders went forward from the office of the American Civil Liberties Union as work that must be done without delay:

"1. To stop the activities of WILLIAM J. BURNS and the Department of Justice, and if possible to make it too hot for BURNS to hold his job.

"2. To divorce organized labor from the National Civic Federation by showing up the private interests back of their so-called 'patriotism'.

"3. To begin to unite all the forces in the labor movement in defense of their common rights, so that even the A. F. of L. crowd will respond to the challenge of the defense of the left wing element.

"4. To put the private detective agencies operating on a national scale under some sort of a Federal control.

"5. To cut off a large part of the present appropriations to the Bureau of Investigation of the Department of Justice, now used to combat radicalism and labor."

A photographic copy of the above-described issue of "The Searchlight" is being transmitted to the Bureau with its copies of this report designated as Exhibit #6.

A newspaper clipping dated May 10, 1924 from the Baltimore Sun entitled, "CIVIL LIBERTIES UNION FLAYS GOVERNMENT SPY SYSTEM OF DEPARTMENT OF JUSTICE" contains the following information:

"Washington, May 10.--Insisting that the 'governmental spy system' maintained by the Department of Justice is dangerous to American institutions, the American Civil Liberties Union today addressed to the Senate Appropriations Committee an urgent demand for an immediate and material reduction to its personnel and appropriations.

"The bureau, headed until yesterday by WILLIAM J. BURNS, is assailed in the organization's letter as 'the chief source of free-speech prosecutions in the country' and as a war-time development 'which has no place in a democratic country'." The letter is signed by Dr. HARRY F. WARD, chairman of the union and a professor in the

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Union Theological Seminary in New York City. "Dr. WARD points out that the Bureau's appropriation has been increased from less than \$500,000 before the war to \$2,250,000, and its personnel from 141 to 697 in the same period. These increases, which have previously been referred to by The Evening Sun, have no justification in current conditions, Dr. WARD asserts."

"The union is interested solely in abolishing the political spy system directed against radicals and labor which has grown up during and since the war". Dr. WARD'S letter continues. "It has no place in a democratic country and creates more trouble than it prevents. The American people are able to work out their own salvation without the aid of professional Government detectives. The union regards the bureau as the chief source of free speech prosecutions throughout the country, and reduction in its appropriation would go far toward preventing further assault upon civil rights".

"Taking up the argument presented by ex-Director HUNTS for the \$2,250,000 he was seeking for his bureau for next year, the letter assails them as unjustified either by facts or sound public policy. One of the chief arguments, it is added, has been the need of combating radicalism.

"There has been no activity of radicals since the war which has resulted in Federal prosecutions", the letter replies to this claim, "and there has, therefore, been no legitimate occasion for the large expenditures for the bureau along these lines. The bureau, in its reports, admits this, but maintains that radical activities are of a character to demand constant surveillance. The anti-radical work of the Bureau is, therefore, largely directed to maintaining an extensive spy system.

"This system has resulted in four prominent developments, which it summarizes as follows:

1. Collection and classification of data which has been used chiefly for propaganda by the bureau and by so-called patriotic societies. Most of the information given out is obviously distorted, usually inaccurate and deliberately misleading.

2. The creation of "red scares" calculated to justify the activities of the bureau. Elaborate predictions have been made of May Day revolutionary outbreaks, which have been prevented merely by the announcement that the bureau was prepared. None of the scares ever has been justified by events.

3. Incitement of State and local officials to bring cases against radicals under State syndicalism and sedition acts solely on the ground of their opinions.

4. An elaborate system of espionage on radicals through professional stool pigeons in their organizations, some of whom have acted as provocative agents, stirring up trouble for the bureau to handle. This activity is not confined to radical movements, but has reached out extensively into organized labor.

The entire system is scored by Dr. WARD as 'similar to the old secret police of European autocracies. The characteristic distinction of those police', he adds, 'was that they were agents of espionage, intimidation, provocative acts and propaganda, and only to a small degree legitimate enforcers of the criminal law. This is precisely the case with the present organization in relation to radical movements in the United States.'

The letter also takes up bureau claims that the increase in general crime, the saddling of State duties on the Federal Government and the prohibition and narcotic acts have helped add to its tasks, and presents figures showing the convictions obtained in such cases were fewer in 1923 than in 1913. This showing, it adds, fails to justify the fourfold increase in appropriations in that period.

The letter is accompanied by exhibits taken from Department of Justice reports and from hearings before appropriations committees, together with the results of independent research by the Union. Much of the material also will be presented to the Senate Committee investigating the Department of Justice, it is added."

A photographic copy of the above-described newspaper clipping is transmitted to the Bureau with its copies of this report, designated as Exhibit #7.

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An unidentified newspaper clipping dated April 18, 1925, under the caption "SPONSORS SHARE BALDWIN'S GUILT", relates the following regarding activities of the American Civil Liberties Union in connection with a strike in Paterson, New Jersey.

"The outdoor meeting of striking silk mill workers in Paterson, for arranging which ROGER N. BALDWIN, Director of the American Civil Liberties Union, has been sentenced to six months in jail, was directed by the Executive Committee of the Union, according to a statement of the committee yesterday, which says:

"It is unfortunate that we all could not have been tried with him; and if he has to serve the sentence, that we all cannot go to jail too'. The statement is signed by the Rev. JOHN HAYNES HOLMES, Pastor of the Community Church and Chairman of the Executive Committee of the Union, on behalf of the Committee, the other members of which are Dr. HENRY R. LINVILLE, WOLCOTT H. PITKIN, B. W. HUEBSCH, JOSEPH SCHLOSSBERG, NORMAN THOMAS, Prof. ROBERT MORSS LOVETT, ARTHUR GARFIELD HAYS, JAMES WELDON JOHNSON and JOHN NEVIN SAYRE."

"Mr. BALDWIN went to Paterson last October to arrange the meeting which Judge JAMES A. DELANEY held was unlawful assembly.

"The statement says 'at the direction of the Executive Committee of the American Civil Liberties Union, the tactics he followed in holding the meeting at the City Hall Plaza after the police had locked up the private hall he had engaged were tactics agreed upon at our Executive Committee meeting held that day. They had the sanction of our lawyers. They are the usual tactics we have followed in many cities when the police arbitrarily and unlawfully closed private halls. We had exhausted every other means of overcoming arbitrary police rule. The courts refused to enjoin the police and the police refused to budge. There was no recourse except to hold a public meeting in the hope the police would make arrests and thus throw the issue into the courts.

"We got exactly what we were after. The issue was thrown into the courts and the courts have decided against us. However, we won the free-speech fight by means of the City Hall meeting and caused the police to back down from their position. There was no more difficulty with strikers' meetings during the remaining two weeks of the

strike.

"Mr. BALDWIN took full responsibility for arranging the meeting as our representative. The Executive Committee authorized and indorsed what he did, and it is therefore the American Civil Liberties Union which was on trial. It is unfortunate that we all could not have been tried with him, and if he has to serve the sentence that we all cannot go to jail too."

"We hope to get, however, a ruling from the Supreme Court of New Jersey which will settle once and for all the issue of police rule in Paterson which is raised every time there is an industrial struggle there. There were free-speech fights in Paterson in 1913 and again in 1919. In both strikes men were sentenced to jail for exercising their civil rights."

"Paterson is almost unique among industrial communities in this form of police dictatorship, backed up by local officials and the courts. We regard ourselves as commissioned to stop it if we can, and we propose to fight this case with that end in view."

A photographic copy of the above-described newspaper clipping is being transmitted to the Bureau with its copies of this report, designated as Exhibit #8.

The following information regarding the American Civil Liberties Union appears in a report from "The Searchlight" by FRED R. MARVIN dated May 23, 1925.

"..... A recent release from the office of the American Civil Liberties Union says, 'MERCER G. JOHNSON, Secretary of the Wheeler Defense Committee, authorizes the publication of the following:

'A strong committee of representative American men and women has been formed to relieve Senator WHEELER of the heavy burden of expense arising from the double indictment in courts 2,500 miles apart, on charges originally inspired by the desire to halt Senator WHEELER'S investigation of corruption in the Department of Justice.'

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The Wheeler Defense Committee believes that the public should be interested in seeing that Senator WHEELER is not impoverished in defending himself against charges brought as the result of the performance of his public duty. The committee also feels that the American people have a direct interest not only in seeing that justice is done to Senator WHEELER personally, but even more in the fundamental principles involved in the WHEELER case.

The officers of the Wheeler Defense Committee are: Chairman, NORMAN HAPGOOD, former Ambassador to Denmark; vice chairman, BASIL M. MANLY, former joint chairman of the National War Labor Board; secretary, MERCER G. JOHNSTON, director Baltimore Open Forum; treasurer, Miss ELIZABETH GILMAN, daughter of DANIEL COIT GILMAN, former president of John Hopkins University, Baltimore.

Telegrams cordially endorsing the purposes of the committee, and expressing readiness to serve as members, have been received from a large group of prominent men and women from all sections of the country. The present membership of the committee is as follows:

WM. ALLEN WHITE, editor, Emporia, Kansas; JOSEPHUS DANIELS, former Secretary of the Navy, Raleigh, North Carolina; SAMUEL UNTERMEYER, New York City; WILLIAM E. SWEET, former governor of Colorado; Mrs. J. BORDEN HARTMAN, Washington; Dr. BROADUS MITCHELL, Johns Hopkins University, Baltimore; HENRY L. WINKEN, editor American Mercury, New York City; FRANCIS FISHER KANE, formerly United States Attorney, Philadelphia; OSWALD GARRISON VILLARD, editor The Nation, New York City; D. B. ROBERTSON, president Brotherhood of Locomotive Firemen, Cleveland; CARL VROOMAN, former Assistant Secretary of Agriculture, Bloomington, Illinois; Mrs. ELIZABETH KENT, Kentfield, California; Miss JANE ADDAMS, Chicago; EDWIN MARKHAM, author, Staten Island, New York; PETER WITT, Cleveland, Ohio; HAROLD L. ICKES, attorney, Chicago; Mrs. GORDON NORMAN, New York City; MARTIN F. RYAN, president Brotherhood of Railway Carmen, Kansas City, Missouri; Rev. JOHN A. RYAN, Washington, D. C.; Prof. TYGELL WILLIAMS, Washington University Law School, St. Louis, Missouri; Mrs. EABEL C. COSTIGAN, Washington, D. C.; WILLIAM KENT, former Congressman, Kentfield, California; Miss VIDA K. SCUDDER, Wellesley College; DONALD A. RICHBERG, Attorney, Chicago, Illinois; Professor ROBERT M. SS LOVETT, University of Chicago, Chicago; Mrs. EDITH HOUGHTON HOOKER, Baltimore, Maryland; SIDNEY HILLMAN, President Amalgamated Clothing

Workers, New York City; Mrs. LAURA C. WILLIAMS, Washington; WILLIAM JETT LAUCK, Chicago; HARRY E. LIDLER, New York City; WILLIAM H. JOHNSTON, president International Association of Machinists; NORMAN THOMAS, editor of The World Tomorrow, New York City; JOHN B. PETERLIN, Scarborough, New York; ROGER W. BALDWIN, director American Civil Liberties Union; GEORGE E. KOTLER, JR., attorney, Boston; PAUL C. KILLOGG, editor The Survey; Professor JESSE H. HOLMES, Swarthmore College, Swarthmore, Pennsylvania; MORRIS LEVINE, attorney, New York City; GEORGE E. LAMONTE, Bound Brook, New Jersey; MARY GERTRUDE FENDALL, Baltimore; J. A. H. HOPKINS, New York City; JOHN HAYNES HOLMES, New York City; LOUIS F. POST, former Assistant Secretary of Labor, Washington; Miss ELIZABETH GILMAN, Baltimore; BASIL M. KANLY, Washington; Rev. ELACER G. JOHNSTON, Baltimore; NORMAN HAPGOOD, New York.

While many of the able attorneys in the United States, including Senators MALDEN, ROSEN and NORMAN, have volunteered their services, the expense for legal assistants, witnesses and other legitimate and necessary purposes will necessarily be very heavy."

The above-referred-to report comments that the above list of individuals includes many who are prominent in the Socialist movement and also active in the American Civil Liberties Union.

A photographic copy of the report is being transmitted to the Bureau as Exhibit #9.

In a report from "The Searchlight" by FRED R. MARVIN dated May 23, 1925, the program of activities of the American Civil Liberties Union for the coming year were outlined as follows:

"Repeal of the wartime passport control law under which the Secretary of State issues visas. Under this law Count MICHAEL K. KOLYI was prevented from engaging in political activities by the ruling of Secretary HUGHES.

"Repeal of the wartime espionage act still on the statute books; though most of it is suspended in peace time. Sweeping post office censorship powers remain; though not used at present.

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"Opposition to the deportation bill, defeated in the last Congress, and to be introduced again this December. This bill opens the doors wide to the deportation of aliens for slight offenses.

"Passage of an act granting citizenship to all natives of the Virgin Islands, whether residing in the Islands or in the United States, of whom there are about 15,000 residing in New York City, and to replace the present naval rule in the Islands by a civil form of government. Efforts are being made by the Union to get this form of Government by an administrative order of the President before Congress meets."

A photographic copy of this report is being transmitted to the Bureau, designated as Exhibit #10.

In a report dated June 26, 1925 by FRED R. MARVIN in "The Searchlight", it is stated that the Labor Defense Council issued a call for a conference in Chicago on June 28, to organize for what it terms "free speech". It is pointed out in this report that the letterhead of both the American Civil Liberties Union and the Labor Defense Council contain these names: EUGENE V. DEBS, JOHN A. RYAN, WILLIAM Z. FOSTER, ROGER N. BALDWIN, ELIZABETH GUNLEY FLYNN, JOHN HAYNES HOLMES, GEORGE P. WEST and FRANK P. WALSH.

A photographic copy of this report in full is being transmitted to the Bureau, designated as Exhibit #11.

In a report dated July 22, 1925 in "The Searchlight" by FRED R. MARVIN, it is related that on the previous week the Workers (Communists) Party held a protest meeting in a public square in New York City. No permit for the meeting had been granted and policemen who were nearby to watch the gathering did not leave until one of the speakers started a tirade against our Government, at which point the police broke up the meeting. Thereafter, the American Civil Liberties Union wrote a letter to CHARLEY KROEMBEIN a Communist organizer, urging him to call out his followers and stage another meeting; and if interfered with to bring suit against the police.

The American Civil Liberties Union, according to this report, agreed to furnish the money for the prosecution of such a suit. The letter to KAEUWBEIN purports to be signed by ROGER W. BALDWIN, and report states that the letter reads in part as follows:

"We hereby offer you the services of our attorneys in bringing suit against the police, and our financial aid in carrying such a suit through the courts. In the light of other recent attacks by the New York police on the right of freedom of speech and assemblage we believe such a suit highly desirable in order to end such high-handed tactics".

The above report also cites a news story from Honolulu appearing in many New York papers on July 17, 1925, reading as follows:

"G. W. WRIGHT, Hawaiian representative of the American Civil Liberties Union and of the International Defense League of Chicago, declared today that those organizations would go to the United States Supreme Court, if necessary, to free PAUL G. BOUCH and ALTEK T. TUBERILL, who were convicted of inciting a communist uprising in the United States Army."

A photographic copy of the above-described report is being transmitted to the Bureau, designated as Exhibit #12.

In a report from "The Searchlight" by FRED R. MARVIN, dated September 23, 1925, the American Civil Liberties Union is reported to have begun a campaign to make capital of an incident whereby a British communist named SAKLATVALA was refused permission to enter the United States. This report states that the American Civil Liberties Union sent a cable to SAKLATVALA urging him to defy the Government ruling and to come over and demand admission to this country. When the admission was refused, the American Civil Liberties Union would have attorneys to bring suit and test the law. Thereafter, according to this report, the American Civil Liberties Union staged a protest meeting at Madison Square, in which there were prominent as speakers a number of avowed communists in the United States. This report further states that SAKLATVALA cabled the following reply to the American

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Civil Liberties Union:

"Many thanks for your offer of unbiased justice. You restore America's honor, which was lost through the KELLOGG conspiracy which I maintain safeguards the money interests of his British friends. My forcible cowardly exclusion is sufficiently discreditable, and yet the official action of your President and Home Secretary in formulating their accusations in secret, without hearing my defense, and then declaring me guilty all over the world regarding my career in Parliament, which does not concern America, is a criminal injustice requiring condemnation and reparation from honest American citizens.
....."

The above described report from "The Searchlight" is being transmitted to the Bureau as Exhibit #13.

A report from "The Searchlight" by FRED R. MARVIN dated September 24, 1925, states that the American Civil Liberties Union, together with the Friends of Freedom for India, International Labor Defense, Young Workers League of America, and the League for the Recognition of the Irish Republic, staged a protest meeting in Madison Square against the action of Secretary KELLOGG in denying admission to this country to SAKLATVALA. A photographic copy of the above report is being transmitted to the Bureau as Exhibit #14.

In a report in "The Searchlight" by FRED R. MARVIN dated November 10, 1925, he relates that the American Civil Liberties Union will go to the courts if necessary to remove the ban against the admission of Count and Countess KAROLYI entering this country imposed by Secretary KELLOGG. A photographic copy of the above report is being transmitted to the Bureau as Exhibit #15.

According to an unidentified document marked "Strictly Confidential" and dated August 29, 1925 at Los Angeles, California, the following item appears in the "Industrial Worker", official organ of the I.W.O.:

"At the annual meeting of the American Civil Liberties Union in New York, held recently, the following new members were added to the National Committee, which controls the Union's policies:

| | |
|--------------------------------|-----------------------------------|
| CLARENCE DARROW | Chicago |
| EUGENE V. DEBS | Indiana |
| Mrs. ELIZABETH GLENDOWER EVANS | Boston |
| Prof. DAVID STARR JORDAN | Leland Stanford Univ., California |
| DAVID WALLERSTEIN | Philadelphia |
| Mrs. KATE CRANE GARTZ | Pasadena, California |
| PETER WITT | Cleveland" |

The above document was made available by Confidential Informant [] and a photographic copy of it is being transmitted to the Bureau identified as Exhibit #16.

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AMERICAN CIVIL LIBERTIES UNION - 1926

In April, 1927, the American Civil Liberties Union, address 100 Fifth Avenue, New York City, issued a booklet containing a resume of their activities for the year 1926, entitled, "Free Speech 1926". A photographic copy of this pamphlet is being transmitted to the Bureau, designated as Exhibit #17. The following information was taken from that pamphlet:

In reviewing the year 1926, the pamphlet states that

"The breakdown of civil rights in the Passaic textile strike in New Jersey, which continued throughout 1926, resulted in one of the bitterest struggles for civil liberty in the industrial fields in recent years. The determined fight of the strikers to maintain their rights, supported by the American Civil Liberties Union and other interested groups, finally forced the authorities to a return to lawful methods in the district. The strike was settled at the end of the year, the mill owners signing agreements with the new union affiliated with the American Federation of Labor.

Civil liberty issues were also prominent in industrial conflicts in Indiana, where state troops were called on strike duty at non-union mines. In the Rhode Island Textile strike troops were used also. Hundreds of strikers were arrested while picketing in the fur workers and garment workers strikes in New York City. Police brutality against strikers in these and the paper box workers strike called forth public protest."

The pamphlet continues by stating:

"Many of the attacks on freedom of speech during the year have been traced to propaganda emanating from the War Department, the American Legion and patrioteering societies. These groups together with the Bible Crusaders and other Fundamentalist organizations are held responsible also for

inroads on freedom of teaching. Suppression of student publications, dismissal of teachers and students for expressions of opinion, enforced military drill, compulsory Bible reading laws and 'salute-the-flag' regulations, and one new anti-evolution law (in Mississippi) mark the course of their campaign of regression and intolerance in 1926. The decision of the Tennessee Supreme Court, reversing the conviction but upholding the anti-evolution act, and recommending that the Scopes case be quashed, blocks for a time a Federal Supreme Court ruling on this type of legislation."

On page four the pamphlet states:

"The most important free-speech fight of the year was the New York City School Board's ban against the American Civil Liberties Union, which revealed the existence of a 'black-list' against individuals and organizations whose views do not conform to those of the Board members. The Union's appeal to the State Commissioner of Education resulted in affirmance of the Board's position and the fight has been carried into the courts.

In most places, however, where the free-speech issue was fought out, the forces of reaction lost support and the liberal element prevailed. This was notably the case at Salt Lake City where the American Legion, the Sons of the American Revolution, the Daughters of the American Revolution and the Chamber of Commerce combined to prevent an address of SCOTT NEARING at the University of Utah. The Board of Regents of the University, backed by the Governor, stood firm and unanimously voted to permit the meeting.

. The Legion's attack on ROGER N. BALDWIN on the Pacific Coast was also only partially successful, as Mr. BALDWIN was allowed the platform of the State Conference of Social Workers over the Legion's protest."

In referring to the Department of State, the pamphlet states on page six:

"Countess KAROLYI continued through the greater part of the year her efforts to overcome the opposition of the

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State Department to her entry into the United States to keep her lecturing engagements. Her attorneys brought a federal suit in January to mandamus the Department of State to grant her a visa, but on request of Countess KAROLYI, they withdrew the proceedings in November.

In November the American Consul General at Berlin refused to grant a visa to Madame ALEXANDRA KOLLAN TAI, Soviet minister to Mexico, to pass through the United States on her way to her post in Mexico. Secretary KELLOGG explained in a public statement that this action was approved by the State Department on the ground that Madame KOLLAN TAI has been 'actively associated with the International Communist subversive movement'. The Department places no hindrance in the way of communist business agents from Russia who visit the United States."

In referring to the Department of Justice, the pamphlet states on page six:

"While no new cases for offenses involving opinion were instituted at the instance of the Department of Justice, developments in the SACCO-VINZETTI case brought an ugly reminder of the days of the Red Crusade. Affidavits of two former Department of Justice agents were introduced at the hearing in September which showed that the Department had cooperated with the local district attorney who was prosecuting the case in 1921 and had sought through spies to obtain evidence on which to deport the accused men for their political beliefs.

However, Attorney General SARGENT instructed the Boston agent of the Department to refuse defense counsel access to the documents in his possession.

Efforts to secure the restoration of citizenship rights to persons convicted of offenses of opinion during the war have been unsuccessful thus far. The Attorney General has taken the position that each case should be considered separately on its merits."

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In referring to the Department of Labor, on page seven of the pamphlet, the American Civil Liberties Union states that:

"The Circuit Court of Appeals in April sustained the judgment of deportation against MILOŠ VOJNOVIC, charged with advocacy of the overthrow of government by force and violence. The judgment of deportation against Dr. EMANUEL VAJTLUER, Czecho-Slovakian communist, was affirmed by the United States Supreme Court during the first week of January, 1927.

..... The case of JOHN C. SCHEDEL in which the Union was interested is still pending.

.....Despite the efforts of the Union, cooperating with the International Labor Defense, three Portuguese anarchists--DISHINILLO TEIXEIRA, ANTONIO da COSTA and ANTONIO PERREIRA--were deported in December for having published an anarchist paper in Fall River, Mass.-- JAMES OLSEN, released from San Quentin prison in February after serving a five-year sentence for a conviction under the criminal syndicalism law of California, was ordered deported on the ground of his membership in the I.W.O. The deportation order is being appealed.

.....JAMES PHILLIPS, who was ordered deported to Russia in 1922 after serving five years in Leavenworth for a conviction under the wartime espionage act, is under bail and is not deportable so long as the United States refuses to recognize the existing Russian government. Attorneys for the Union are seeking the means of obtaining a general ruling which will make it possible to release all bail of persons whom the government is unable to deport.

The traditional right of asylum for political refugees was recognized by the Board of Review of the Federal Bureau of Immigration on September 17th when it granted to VINCENTO VACCARO, Italian socialist and anti-Fascist, the right to remain in the United States, because his life would be in jeopardy if he were forced to return to

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Italy. MARIANO SCOLISE, against whom an order of deportation had been issued, was granted a court hearing in December by Judge JAMES A. LOWELL of the Federal Court at Boston, on the plea of counsel that he would be killed because of his opposition to MUSSOLINI if he returned to Italy.

The Commissioner General of Immigration yielded in February to the requests of the Civil Liberties Union and others to admit T. E. MOORE, editor of 'One Big Union', published at Winnipeg, Canada, after he had been barred from the United States because of his connection with the I.W.W."

In reference to the War Department, the pamphlet states on page eight:

"WALTER M. TRUMBULL was released from the Alcatraz Disciplinary Barracks on February 5th, after having served out his reduced sentence. It will be remembered that his original sentence by court-martial was 26 years, while that of PAUL CROUCH, convicted with him for disseminating communist views in the army, was 40 years. The reduction of these sentences to 1 and 3 years is the only concession the War Department has made in these cases. PAUL CROUCH is still in prison. When parole was sought for him in order that he might return to the support of his aged father, it was denied. The Secretary of War explained that the Department considers CROUCH will be getting off very lightly under the reduced sentence 'considering the gravity of the offenses'."

Referring to the Navy Department, the pamphlet states on page eight:

"Although Congress once more gave consideration to bills to put the Virgin Islands under permanent civil government, the situation in the Islands remains unchanged except for the fact that citizenship was granted the Islanders in the early part of 1927. It is hoped, however, that a satisfactory civil government will be passed in the next session."

..... Another case related to naval rule over our insular possessions attracted the attention of the Union during the year. This was the case of S. S. RIPLEY of Richmond, California, who was practically Shanghaied at Pago Pago, American Samoa, in 1921, at the order of Captain WALDO EVANS, then Commander-General, and carried to San Francisco virtually as a prisoner. This treatment of RIPLEY was on account of his having acted as an emissary of the Samoan chiefs to carry their petition of grievances to the Washington authorities. As the case involves the whole issue of abuses under naval administration and especially the right of American nationals to appeal such abuses, the Union has sponsored the suit of RIPLEY against Captain EVANS for \$50,000 damages. The case was tried in the Federal District Court at Chicago and an instructed verdict for the defendant was rendered in November. An appeal is being taken."

In commenting on decisions in Federal Courts, among other things the pamphlet states on page ten:

"Judge STANLEY WEBSTER of the Federal District Court at Spokane, Washington, in March deprived JAMES ROWAN of his citizenship on the ground that his naturalization in 1907 was accomplished under misrepresentation. ROWAN was convicted in 1918 under the Espionage Act because of membership in the I.W.O. since 1912. The Union is sponsoring an appeal to the Circuit Court of Appeals."

In commenting on the various bills in the 69th Congress, the American Civil Liberties Union states in the pamphlet on page eleven,

"Among those which the Union supported were measures for Civil Government in the Virgin Islands and Samoa, the repeal of the war-time passport control law, the penalizing of officials who interfered with civil rights, the withdrawing of federal aid from educational institutions where military training is compulsory, the granting of citizenship rights to American women married to aliens ineligible to citizenship, a Congressional

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investigation of the Passaic textile strike, and a Congressional investigation of the labor spy system.

"The Union opposed the drastic deportation bill introduced by Congressman ALBERT JOHNSON, the registration of aliens, federal censorship for motion pictures, universal conscription and the federal sedition bill. Committee hearings at which representatives of the Union appeared were held on the following matters: the deportation of aliens, radio control, Virgin Islands affairs, investigation of the Passaic strike and compulsory military training."

In commenting on state court cases, among other things, the pamphlet states on page fourteen that CHARLES CLINE, JOSE RANGEL, and four Mexican revolutionists who were serving sentences for the alleged murder of a deputy sheriff, were pardoned in August by Governor MIRIAM A. FERGUSON of Texas; after the Union had cooperated with other organizations for over two years in efforts to secure their release. The Union continued its support of efforts in behalf of the Centralia riot victims in Washington and, chiefly through the Boston group, of appeals in the SACCO-VANZETTI case.

Beginning on page fourteen of the pamphlet, a report appears on the activities of the California Branches of the American Civil Liberties Union. CLINTON J. TAFT is recorded as Director of the Southern California Branch, and ELMO A. ROBINSON is recorded as Director of the Northern California Branch. In referring to the report of the California Branches, the pamphlet states on page fifteen:

"As a result of a visit of ROGER BALDWIN, a survey which he made of the field, and several conferences with the Southern California group and other leading liberals, the Northern California Committee was formed on July 6 with Professor GUIDO MARX of Stanford University as Chairman, ELMO A. ROBINSON as Director and AUSTIN LEWIS as Counsel. An office was opened at 473 Mills Building, San Francisco. The Southern California and Northern California Committees were united in an all-California Committee with GEORGE WEST as Chairman.

"The main objective of this united front was to get the state as a whole organized to contend for the repeal of the criminal syndicalism law. Dr. GEORGE W. KIRCHWEY, former dean of Columbia Law School, who was engaged during 1925 to make a survey of the workings of the criminal syndicalism law in this state completed his task, and the findings were issued in the form of a forty-eight page pamphlet toward the close of the year.

The weekly paper, The Open Forum, entered upon its third year December 1st. Evidently it fills a real place on the western coast, helping in no small measure to offset the propaganda of such menacing organizations as the Better America Federation and certain other well known patrioteers.

On September 1st ROBERT WHITAKER severed his connection with the Southern California office after two years of most energetic and faithful service. He is devoting himself to some private writing, but finds time to counsel with us frequently and to act as one of the contributing editors of the paper.

Several cases of racial discrimination have been reported, involving Hindus, Chinese, Negroes, and Italians. The Chinese case was an attempt, fortunately unsuccessful, by a group of parents in an Oakland school district to bring pressure on the school authorities by means of a school strike and a public mass meeting, and to force the establishment of a segregated school for a group of Chinese children, most of whom were born in this country and were living in a home maintained by the Presbyterian Church."

Under the caption of "New York City", the pamphlet states on page sixteen:

"Protracted strikes affecting the needle and garment trades, the fur workers, the Interborough Rapid Transit workers and the paperbox makers, furnished occasion in New York City for police violence, anti-picketing injunctions and hundreds of arrests for 'disorderly conduct'.

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By arresting and imposing fines for disorderly conduct, the police and the magistrates avoided the issues of a court test of the injunctive weapons as employed to oppress workers. Police brutality against the striking paperbox workers was protested to the Mayor and Commissioner of Police in December by representatives of the Civil Liberties Union, with some effect. The most sweeping injunction in this period of local industrial conflict extending over the greater part of the year was that issued in September by Supreme Court Justice CHARLES L. GUY, restraining strikers of the International Ladies Garment Workers Union from every form of picketing. Fifteen hundred arrests for disorderly conduct immediately followed this one injunction.

Two members of the Marine Transport Workers Union, Santiago Laredo and John Lynch, were arrested while on picket duty in a strike of their union and held under the Bumes act without bail on charges of robbery, grand larceny and felonious assault. Attorneys SHORR, PRODSKY and KING, acting for the Civil Liberties Union, took the case to the Supreme Court on a writ of habeas corpus and had the bail fixed at \$1,000 apiece. The precedent of this case was used immediately afterwards in the case of two Italian Anti-Fascists, PETER FRAGIAOMO and PETER COSTELLO, whose bail of \$100,000 each was reduced by the same process to \$2,000 each."

In commenting on the Passaic, New Jersey, strikes, the pamphlet states on page seventeen that ALBERT WEISBORD, strike leader, was held under \$30,000 bail on charges of inciting to riot. The pamphlet adds that a sweeping injunction, afterwards modified through the efforts of an attorney for the Union, was issued on the petition of the Forstmann and Hufmann Mills to prevent any form of picketing.

The pamphlet further states on page seventeen:

"Under a legal fiction of his own invention which he called 'Riot Law,' Sheriff GEORGE P. NIMMO of Bergen County forbade peaceful assembly and enforced

the order with heavily armed deputies. In an effort to test this novel device, NORMAN THOMAS was arrested on a charge of unlawful assembly for attempting to speak at a meeting planned by the Union. After being locked up in the county jail, he was released under \$10,000 bail. When the grand jury, towards the end of the year, refused to indict, he brought suit for damages against the Bergen County officials responsible for his arrest. This, and a number of cases instituted by the Union against police officers for atrocious assault and unlawful arrest, will probably be tried during 1927.

The ban against strikers' meetings was finally broken by an injunction obtained by JOHN LARKIN HUGHES of Newark, attorney for the Union, restraining the Sheriff and others from interfering with lawful assembly."

Under the caption of "Boston, Mass.", the pamphlet states on page 18:

"Mayor MALCOLM NICHOLS, quite early in his term of office, showed sympathy with the policy of hostility to free speech and free assembly which his predecessor had made effective. In February, soon after the arrest of ANTHONY FIMBA on charges of blasphemy and sedition, the mayor issued an edict barring discussion of the FIMBA case in any licensed hall in Boston. As there was no legal authority for such a denial of free speech, the desired result was accomplished through the administration's control over the licensing of halls. The controversy continued through the year, with the result that the Mayor finally declared that he would permit a Fimba meeting in Faneuil Hall to be arranged for under the joint auspices of the American Civil Liberties Union and the International Labor Defense."

Continuing, the pamphlet states on page 19:

"Meetings to discuss the deportation cases of three Portuguese anarchists were barred by Chief of Police MARTIN FENEY of Fall River, Mass., in July. The men were deported before the test planned by the Union in cooperation

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with the International Labor Defense could be carried out.

A Washington, Ga., CHARLES E. FALLOON was arrested for challenging the local clergy with the assertion that there is 'no proof that Jesus ever lived as a man, much less as a God.' A series of police raids on Workers Party gatherings in private homes at Aliquippa and Woodlawn, Pa., culminated in the holding of 8 men seized at Woodlawn on December 7th under charges of sedition. -

When BENJAMIN GITLO was refused permission to speak in Philadelphia, the Union lent its auspices to a meeting to test the ban. Mr. GITLO was allowed to speak at the test meeting, but the situation under which the Superintendent of Police assumes authority to grant or withhold permits was not altered by this partial victory."

Under the heading "In the Educational Field", the pamphlet states on page 20:

"Violations of the rights of opinion and utterance continued through 1926 to afflict teachers in both schools and colleges, and there were several instances of interference with meetings where speakers scheduled to address groups in educational institutions were found objectionable. A number of student editors were removed from office and even suspended or dismissed from college because of opinions expressed in their magazines.

Anti-evolution bills were introduced in four of the nine state legislatures which met in 1926.

A bill similar to the Tennessee measure, but omitting references to the Bible, was passed by the Mississippi legislature and signed by the Governor on March 12th. The Union is planning a federal action to test the constitutionality of the Mississippi statute. The case of JOHN THOMAS SCOPES, convicted at Dayton, Tennessee, in 1925, for a violation of the Tennessee statute, was argued on appeal before the State Supreme Court on May 31st. Decision was rendered on January 15, 1927, reversing the conviction on a technicality."

"Three New York City teachers of recognized ability,

Miss RUTH G. HARDY, Dr. JESSIE WALLACE HUGHAN and Dr. ABRAHAM LIEBOWITZ, are refused advancement by the Board of Education because of their alleged radical views."

"At Denver, Colorado, fifty boys and girls who were members of the Jehovah's sect, refused on religious grounds to participate in the compulsory patriotic exercises prescribed by the Board of Education and were suspended from school as a consequence. . . . RUSSELL TREMAIN, nine-year-old boy of Bellingham, Washington, taken from his parents because of their refusal to allow him to salute the flag in school exercises, was in June ordered by Juvenile Court Judge W. P. BROWN removed permanently from their custody and placed for adoption in 'a patriotic and Christian family.' The TREMAINS, who are members of the Elijah Voice Society, refuse to appear in 'earthly courts' and attorneys for the Union have therefore been unable to contest the court action. The boy is now in the Seattle Children's Home, required to attend school and salute the flag."

On page 23, of the pamphlet, there are recorded the names of the following individuals who were members of the Executive Committee during the year 1926: MARGARET DESILVER, ROBERT W. DUINN, MORRIS L. ERIST, ELIZABETH GUNLEY FLYNN, ARTHUR GARFIELD HAYS, J. L. H. HOPKINS, BEN W. HUEBSCH, ROBERT MORSS LOVETT, JOSEPH SCHLOSSBERG, NORMAN THOMAS, B. CHARNEY WLADECK. The officers were recorded as HARRY F. WARD, Chairman; ROGER W. BLDWIN and FORREST BAILEY, directors; HELEN PHELPS STOKES, Treasurer; LUCILLE B. MINER, Field Secretary; and WOLCOTT H. PITKIN, Counsel.

Mention is made that the National Committee lost a valued member through the death of EUGENE V. DEES on October 21st. The pamphlet further relates that there were no changes in the staff during the year and further relates, "On December 24th, Mr. BLDWIN sailed for Europe, expecting to be absent for a period of several months. He will represent the Union in making contacts with libertarian groups whose interests are shared, at least in part, by the Union. The Washington work was handled as it was in 1925 by Miss ISABELLE KINDIG, whose office very effectively kept us in touch with affairs in Congress and in the various administrative departments.

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Under the caption of "Meetings", the pamphlet states on page 23, "MR. BALDWIN made a coast to coast trip during the spring and summer, addressing meetings at many leading cities. Under the auspices of a joint committee formed by the Union, a luncheon meeting was held at the Hotel Astor for the purpose of voicing opposition to the alien registration and deportation bills which were before Congress in the early part of the year. The Union gave its auspices to a meeting called in March in cooperation with a number of labor groups to protest police violence against the Passaic strikers. . . . The annual meeting of the National Committee was held as a luncheon meeting at Town Hall on November 27, members and friends being invited to hear reports of the work in hand."

Under the heading of "Attacks Upon the Union" the pamphlet states on page 24, "There was a marked increase during the year in the number and frequency of attacks on the Union. The bitterest of these was by Congressman THOMAS L. BLANTON of Texas, who read into the Congressional Record a long letter of FRANCIS RALSTON WELSH of Philadelphia in which the activities of the Union and the members of the National Committee were discussed on the basis of the Lusk Report and Whitney's "Reds in America." This attack was broadsided over the country by H. A. JUNG of the National Clay Products Industries Association, and has since been referred to repeatedly by other enemies of the Union. Other attackers were the Industrial Defense Association, Inc., of Boston, the Military Intelligence Association of Chicago, The Reserve Officers Associations, the American Legion, the New York Commercial and the various "patriotic" societies.

In commenting on the Bail Fund the pamphlet states on page 25, "The National Bail Fund started in 1922 with about \$75,000. . . . is now in the process of liquidation as the trustees feel that it has accomplished the purpose for which it was originally established. The winding up of the affairs of the Fund will be gradual at best owing to the fact that a good portion of its resources is tied up in bail for non-deportable aliens.

Under "Finances" the pamphlet states on page 27 that the total amount of money spent during 1926 for all purposes was \$34,924.26. The gross income was recorded as \$38,364.25, of which \$35,425.40 came from members and friends

in response to appeals and the balance from the American Fund for Public Service."

Under "Special Funds" the pamphlet lists the following:

- Tennessee Evolution Case Defense Fund
- Congressional work
- Paterson, N. J., Free Speech case
- Charlotte Anita Whitney case
- Boston Birth Control case
- Joe Neil case
- Virgin Islands Self-Government
- Passaic, N. J., strike cases
- Board of Education, N. Y., Free-Speech case
- Test Deportation case
- Lynch and Laredo case
- Lawrence, Mass. case
- Fall River, Mass., case

In commenting on the Tennessee Evolution Case Defense Fund, the pamphlet states that the Fund was created in 1925 to carry the SCOPES case through the courts. It is sponsored by an independent committee having its own treasurer but the Union is actually responsible."

On page 30 of the pamphlet the following specific expenditures which were authorized to be paid out of the American Fund for Public Service are reported:

| | |
|---|----------|
| Austin Lewis, for fee and court expenses in the case of James Rowan. | \$400.00 |
| Carolina Lowe, for fee and expenses in the case of Joe Neil | 148.85 |
| George J. Shaffer for fee in the damage actions against Chief of Police Hamilton Brown of Aliquippa, Pa. | 300.00 |
| Union, Drucker, Reichmann and Boutell of Chicago, in part payment of fee in the case of Ripley vs. Evans. | 500.00 |
| S. S. Ripley, travelling expenses in the above case. | 250.00 |

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|---|------------|
| Isaac Shorr, legal expenses in the case of James Philipps. | \$150.00 |
| R. W. Henderson, legal expenses in the case of Tom Connors. | 100.00 |
| Harry Hoffman, legal expenses in the Fall River, Mass.; anarchist deportation cases. | 150.00 |
| Robert Zelms, to pay Attorney Harry Hoffman for legal services in the defense of Fred E. Beal in the free speech test case at Lawrence, Mass. | 300.00 |
| John Larkin Hughes, in part payment of legal services and expenses in cases connected with the textile strike at Passaic, N. J. | 500.00 |
| Isaac Shorr, legal expenses in the Laredo and Lynch case, New York City | 150.00 |
| Total | \$2,948.85 |

Under the caption "The Work in Hand: 1927" the pamphlet on page 32 states the following program for the coming year:

POLITICAL PRISONERS

Restoration of citizenship to the 1,500 persons convicted during the war for expressions of opinion, and now without the right to vote, serve on juries, or in many states to get licenses for certain occupations and professions.

Release of the 17 political prisoners held under criminal syndicalism laws--in California 16, and 1 in Kansas. (These were the figures at the close of 1926).

CONGRESS

Passage of a bill to establish a form of civil government in the Virgin Islands which will realize for the Islanders their new status as citizens by relieving them of the present navy rule.

Passage of a bill to take away or modify the control exercised by the State Department over passports and visas, in order to prevent further abuses of the unlimited discretionary power created by the passport control act.

Opposition to any further effort in Congress to restrict civil liberty--particularly to measures proposing unfair discrimination against aliens and to measures, like the recurrent sedition bill and the bill for universal conscription, which invade individual freedom in utterance and action.

Amendment of the radio control act to insure freedom of the air and to prevent government broadcasting permits from becoming permanent vested interests, and pressure on the Radio Commission to these ends.

Restoration of citizenship to American women married to aliens ineligible to citizenship.

Passage of a law to confirm the citizenship status of Hindus naturalized prior to the Supreme Court decision which made Hindus ineligible to citizenship.

THE EDUCATIONAL FIELD

Carrying to a test in the United States Supreme Court the right of a state to prohibit the teaching of evolution. The reversal of the Scopes conviction by the Supreme Court of Tennessee leaves the constitutionality of the statute still at issue. Effort will be made to institute an action in the federal courts to test the Mississippi statute.

Carrying to a test in the United States Supreme Court the right of a state to enforce an act requiring the reading of the Bible in the schools.

Carrying into the higher courts, if necessary, a test of the right of a state to compel the performance by every child of patriotic rituals that conflict in specific instances with religious or other scruples.

Testing the right of the New York City Board of Education to maintain a blacklist against organizations and persons desirous of holding meetings in public school buildings.

In general, clarification and constant assertion of the principles of the right to teach and the right to learn

with a view to extending freedom of opinion and utterance for teachers and freedom of education for students.

CASES IN THE COURTS

Aid in the defense of two sedition cases in Pennsylvania. One of these is now waiting a decision on a motion for retrial.

Aid in securing the pardon of CHARLOTTE ANITA WHITNEY and of WILLIAM BURNS, in case their convictions under the California criminal syndicalism law are sustained by the United States Supreme Court.

Carrying to the Supreme Court of New Jersey the conviction of ROGER N. BALDWIN and seven silk strikers for "unlawful assembly" in 1924.

Aid in the appeal of a damage action (RIPLEY vs. EVANS) in which are involved issues of the denial of civil rights under the naval rule in American Samoa.

LOCAL FREE SPEECH ISSUES

Efforts to break the ban by the municipal authorities of Boston on free discussion of public issues in licensed halls.

Tests to reestablish rights of free assemblage and free speech in Scranton and Wilkes Barre, Pennsylvania, and in other sections of the same state.

Fighting through the courts certain cases against textile strikers in Passaic, N. J., and against the police for brutality and false arrests.

The pamphlet recorded the following officers and National Committee members as of January, 1927:

| | | |
|------------------|-------|----------------|
| HARRY F. WARD | ----- | Chairman. |
| DUNCAN McDONALD | ----- | Vice -Chairmen |
| JEANNETTE RANKIN | ----- | |
| B. W. HUESCH | ----- | Treasurer |

ROGER N. BALDWIN - - - - - Directors
 FORREST BAILEY
 LUCILLE B. MILNER - - - - - Field Secretary
 WOLCOTT H. PITKIN - - - - - Counsel
 ISABELLE KENDIG - - - - - Washington Representative

NATIONAL COMMITTEE

JANE ADDAMS
 JOSEPH D. CANNON
 JOHN S. CODMAN
 CLARENCE DARROW
 JAMES A. DUNCAN
 JOHN LOVEJOY ELLIOTT
 ELIZABETH GLENDOWER EVANS
 ELIZABETH GURLEY FLYNN
 FELIX FRANKFURTER
 PAUL J. FURNAS
 NORMAN HAPGOOD
 MORRIS HILLQUIT
 J. A. H. HOPKINS
 JAMES WELDON JOHNSON
 DAVID STARR JORDAN
 AGNES BROWN LEACH
 HENRY R. LINVILLE
 MARY E. McDOWELL
 ANNE MARTIN
 JOHN D. MOORE
 A. J. MUSTE
 WALTER NELLIS
 JULIA S. O'CONNOR PARKER
 EDWARD A. ROSS
 JOHN NEVIN SAYRE
 ROSE SCHNEIDERMAN
 JOHN F. SINCLAIR
 HELEN PHELPS STOKES
 EDWARD D. TITTMANN
 OSWALD GARRISON VILLARD
 DAVID WALLERSTEIN
 GEORGE P. WEST
 L. HOLLINSWORTH WOOD

HERBERT S. BIGELOW
 PARLEY P. CHRISTENSEN
 LINCOLN COLCORD
 JAMES H. DILLARD
 ROBERT W. DUNN
 EDWARD W. EVANS
 WILLIAM M. FINCKE
 WILLIAM Z. FOSTER
 ERNST FREUND
 KATE CRANE GARTZ
 ARTHUR GARFIELD HAYS
 JOHN HAYNES HOLMES
 FREDERIC C. HOWE
 WILLIAM H. JOHNSTON
 HELEN KELLER
 ARTHUR LESUEUR
 ROBERT MORSS LOVETT
 OSCAR MADDAUS
 JAMES H. MAURER
 HENRY R. MUSSEY
 SCOTT NEARING
 FREMONT OLDER
 WM. PICKENS
 JOHN A. RYAN
 JOSEPH SCHLOSSBERG
 VIDA D. SCUDDER
 SEYMOUR STEDMAN
 NORMAN M. THOMAS
 WILLIAM S. U'REN
 B. CHARNEY VLADECK
 FRANK P. WALSH
 PETER WITT

With reference to the so-called Passaic Strike, referred to in the publication of the A.C.L.U., a pamphlet entitled "What is the American Civil Liberties Union?" issued by the American Defense Society, Incorporated, 154 Nassau Street, New York City contains some pertinent information regarding that strike. On page 4 of this pamphlet, an open letter of the American Federation of Labor dated July 6, 1926, to all organized labor is set forth and reads as follows:

"To All Organized Labor,

Dear Sirs and Brothers:

The Executive Council of the American Federation of Labor, at a meeting held in Cincinnati, Ohio, beginning June 25th, gave serious consideration not only to the Communistic activities among the working people in many sections of the country but also to the formation of organizations assuming to speak for labor, in the name of Labor and which the Executive Council believes are Communistic in make-up in principle and in purpose. We regard these organizations as well as others which may be dual in nature and character, as dangerous, unnecessary and without any standing in the bona fide labor movement of the country. For instance, facts disclose that the so-called "United Front Committee," which organized and is carrying on a strike in Passaic, New Jersey, has no relationship to the American Federation of Labor. The leaders of the United Front Committee are prominently identified with the Communistic movement in the United States. It is reasonable to conclude because of their relationship to the Communistic Party that they are interested in advancing the cause of Communism."

This pamphlet also quotes an article from the April 25, 1926, issue of the "Daily Worker" written by ART SCHIELDS of the staff of that paper. The article refers to the Passaic Strike and is entitled "United Front Defense for Passaic Strike." The article reads as follows:

ALL GROUPS JOIN HANDS AGAINST TERROR

New York, April 23,--"It means a better settlement for the strikers," said FORREST BAILEY, director of the American Civil Liberties Union, hailing the formation of a

joint committee of all organizations that have been supporting the gallant struggle in Passaic, Garfield and Clifton, New Jersey.

The joint committee unites the International Labor Defense, the American Civil Liberties Union, the League for Industrial Democracy, the Emergency Committee for Strikers' Relief, the Federated Press, with the United Front Committee of Textile Workers and the Passaic strike relief committee in a common movement for the defense of all strikers who are arrested or who are beaten up or denied the right to walk the streets and hold meetings.

REJOICE OVER UNITED FRONT

JAMES P. CANNON, NORMAN THOMAS, ELIZABETH GURLEY FLYNN and ROBERT W. DUNN all voiced their joy that a united front movement had been formed behind the lines for the defense of the strikers.

"There is a real solidarity," said CANNON, "a sweeping national campaign, with all these organizations teaming together for the New Jersey workers."

UNITED MEANS STRENGTH

Added BAILEY: "We have all come together because the strike has reached a crisis. Unity means strength. It means a better settlement for the strikers."

ELIZABETH GURLEY FLYNN, who has been speaking to the strikers nearly every day despite threats of arrest, declared:

"This means more protection to the workers in their fight. It helps them to win."

NORMAN THOMAS, who defied the "riot act sheriff" and is under \$10,000 bail, announced the purpose of forming the committee as follows:

"It is just plain horse sense for the organizations which in one way or another have become interested in legal cases which have developed in the Passaic strike to get to-

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gether. These various committees and organizations have differences in function and philosophy, but they are one in seeing to it that the strongest possible legal fight shall be made to prevent any man from paying a martyr's price as a result of the struggle of the workers in and about Passaic.

JOINT COMMITTEES ELIMINATES FRICTION

"Of the six or seven organizations represented in the joint committee, only two, the Civil Liberties Union and the International Labor Defense, are regularly equipped for handling legal defense cases. Various cases will be apportioned to those organizations logically. Each organization, together with the defendants concerned, will be solely responsible for the defense of cases assigned to it. The other organizations, like the League for Industrial Democracy, which I represent, will help raise the funds and distribute the publicity. The Emergency Strikers' Relief Committee will continue its efforts to raise a sufficient bail fund.

"At all times, however, the joint committee will prevent friction and repudiation and be in itself a witness to the possibility of united action in behalf of labor's right to organize, conduct meetings and conduct a peaceful strike."

THE LIST OF ORGANIZATIONS

The organizations that have united in the joint committee and their representatives on the joint committee are as follows:

American Civil Liberties Union, FORREST BAILEY and MORRIS ERNST.
International Labor Defense, JAMES P. CANNON and JOSEPH BRODSKY.
League for Industrial Democracy, MORTIMER THOMAS.
United Front Committee, ALBERT WEISBERG.
Passaic Strike Relief Committee, ALFRED WAGENKNECHT.
Emergency Committee for Strikers' Relief, CLARINA MICHELSON.
Federated Press, ART SHIELDS.

GURLEY FLYNN IS SECRETARY

ELIZABETH GURLEY FLYNN and ROBERT DUNN are members at large. MARY HEATON VORSE, whose human interest stories on the Passaic strikers have been a powerful factor in arousing working-class support, is co-operating with the committee.

ELIZABETH GURLEY FLYNN was chosen as permanent secretary of the committee.

MANY TASKS ARE DIVIDED

Work will be divided up as follows:

The International Labor Defense, by an arrangement with the joint committee, will conduct the defense of all strike prisoners. This means not only the WEISBORD case and those of other organizers and those of 264 arrested strikers, but of ROBERT DUNN, ESTHER LOWELL, DAVID WEINSTEIN and others seized while investigating police brutality on the picket line.

The Civil Liberties Union will handle the NORMAN THOMAS test case; the prosecution of officers where false arrests have been made and injunctions brought against authorities who close meeting halls and deny picketing.

The United Front Committee will conduct the legal defense against the FORSTMANN-HUFFMAN injunction and will continue in charge of the campaign for a Congressional investigation.

The policy to be followed in prosecuting each case is to be determined by the organization responsible for same in agreement with the defendants. Each organization may collect funds in its own name, but under a caption indicating that all the organizations represented in the joint committee are working together and that the appeal is issued by authority of the joint committee. The expense involved in conducting each case shall be paid by the organization responsible for conducting it.

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PLAN CONSULTATION COMMITTEE

Each organization will employ its own attorneys, but in order to prevent duplication a consultive committee of three consisting of Attorneys ERIST and BRODSKY and MISS FLYNN, was appointed. A unified bail fund will aid efficiency.

A big mass meeting by the joint committee is being organized for next week. The separate organizations are holding preliminary meetings in the meantime.

A photographic copy of the above described pamphlet is being transmitted to the Bureau designated as Exhibit 18.

A. C. L. U.

1928 - 1929

Under date of June, 1929, the American Civil Liberties Union, then located at 100 Fifth Avenue, New York City, issued a pamphlet entitled, "The Fight for Civil Liberty" which covered the activities of the A.C.L.U. for the year 1928 and certain later developments up to the end of May, 1929.

In commenting on Repression and Intolerance, the pamphlet states, on Page 3, "There is less response to alarms against Reds and pacifists and other bogeys. Yet even the increased public opinion which is alive to the issues is pathetically small. . . . Outside the minorities who are the chief victims of repression - strikers, radicals, and Negroes - new issues confront us in the restrictions on teaching evolution, in the denial of citizenship to pacifists refusing to bear arms, in the increasing invasion of the rights of defendants in criminal trials, and in the tendency toward wider censorship of books, plays and movies by administrative officers. The chief weapons of repression are the local police and federal injunctions. The record for 1928 shows more meetings broken up by the police, more arrests under local laws in free speech cases, more injunctions than in any year since 1921. The causes were primarily the campaign activities of the Communist Party and its related organizations, and the left-wing strikes in the coal and textile industries. Four out of five of all the cases of any sort reported to us deal at bottom with industrial conflict. While other types of cases are numerous and varied, their total is insignificant - though the issues are important. In saying this, we leave out of account the violations of the rights of Negroes, who suffer more restriction than any minority in the country, but with whose troubles we do not deal. The National Association for the Advancement of Colored People tackles them".

Continuing, the pamphlet states on Page 4, "The police, the chief and ever-present censors of strikes, radicals, et al, usually act on their own initiative in repressing what they conceive to be against law and order.

"But they are backed by the incitements of popular prejudice and often by the direct intervention of private organizations of 'patriotic' citizens. Our correspondents, answering an inquiry as to the most active agencies of intolerance, named the American Legion in 24 places; the Fundamentalists in 16; the D.A.R. and other professional patriots in 15; and the Klan in 14".

Under the caption of "Court Decisions", the pamphlet states, on Page 6, "No decision of the U.S. Supreme Court during 1928 added to or subtracted from the long line of rulings hostile to the old tradition of civil liberty. But in May, 1929, the Court handed down a decision of the first importance in the case of Mme. ROSIKA SCHWIMMER, denied citizenship for her refusal to bear arms. The Court reversed the Circuit Court of Appeals at Chicago which had unanimously sustained Mme. SCHWIMMER's right to citizenship.

"Three State Supreme Court decisions dealt directly with important civil liberty issues, one favorably, two adversely. The right of assemblage as against police prohibitions was affirmed in New Jersey in the case of ROGER BALDWIN and seven Paterson silk strikers. In Minnesota the Supreme Court held constitutional a statute permitting a court to enjoin the publication of a newspaper deemed 'defamatory'. In Pennsylvania in March, 1929, the Supreme Court put the seal of its unanimous approval on the sedition act, under which prosecutions are continuously brought, alone of any state in the country.

"- - - - - The South Dakota Supreme Court is still holding without decision for three years, a case involving the constitutionality of the compulsory reading of the Bible in schools. If the decision sustains the law, we will appeal it to the U.S. Supreme Court.

"In the lower courts, both federal and state, several cases were heard which are likely to reach the Supreme Court. Notable among them is the issue of revocation of citizenship, because of belief in Communist principles, of one JOHN TAPOLCZYANI, a Hungarian who

"became naturalized in 1920. The government claims he held those beliefs when naturalized and therefore obtained his citizenship by fraud. The case is important, as it might lay the basis for revoking the citizenship of all naturalized Communists".

Continuing, the pamphlet states, on Page 6, "Few issues involving civil liberty arose either in Congress or in the half-dozen state legislatures which met during 1928. No new legislation was added to the long list of the statutes restricting civil rights, except for the Arkansas anti-evolution law adopted by the voters at the polls on November sixth. The measure is similar to the laws already in effect in Tennessee and Mississippi prohibiting the teaching of evolution in tax-supported schools. The Arkansas legislature had refused to pass the bill. It was proposed by initiative petition. The measure carried by a majority of 21,000 votes out of a total of 105,000.

"The bill was fought by a local committee in Arkansas which requested agencies outside the state to keep out of the campaign. The Civil Liberties Union aided only by furnishing material. The president of an atheist organization with headquarters in New York City went into the state to oppose the measure, which undoubtedly helped to pass it.

"Plans to bring a test case under the act were made at once by the Civil Liberties Union but no qualified defendant has yet been found. The authorities of the state university preferred not to raise the issue, feeling as do the university officials in Tennessee, that they better go on quietly ignoring the law until challenged. The Civil Liberties Union, however, is determined to get a case into the courts and to the United States Supreme Court, believing that a decision against the law will result and so end the agitation to buttress Fundamentalism by law.

"Our representative at Washington and our national office continued to fight the bills in Congress

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"proposing further restrictions on aliens by extending the grounds for deportation, by registering them and by making naturalization more difficult. No registration bill was passed, but a measure making naturalization more expensive, and extending the grounds for deportation was passed early in 1929. It also made both unlawful entry and re-entry after deportation crimes punishable by prison sentences. The Union fought these provisions unsuccessfully.

"- - - In the forty 1929 state legislatures, old issues bobbed up again here and there - compulsory Bible reading, anti-evolution, state police, and in Colorado a criminal syndicalism bill. Not a single one of the repressive measures passed. The Union fought the syndicalism bill in Colorado, - along with the Federation of Labor and the Rocky Mt. Fuel Co. - - - We also joined in the fight on the state police bill in Ohio.

"In other states where we were not involved in the issues, the record shows that Michigan passed a law for voluntary Bible reading in the schools; North Dakota repealed a recent law requiring the Ten Commandments to be posted in every school room; Minnesota passed a law restricting the use of injunctions. State police bills were defeated in six states; compulsory Bible reading in schools in four".

Under the caption "Political Prisoners", the pamphlet states, in part, on Page 8, "The first criminal syndicalist prosecution in four years outside of Pennsylvania, took place in Kansas City, Kansas, where five members of the Communist Party were indicted for distributing literature. The immediate cause of arrest was a Sacco-Vanzetti memorial meeting. The cases have not yet been tried.

"- - - In New York, DAVID GORDON, 18 year old author of a political poem held to be obscene, seemed to be headed for three years in the state reformatory when the Court of Appeals upheld his 1927 conviction. The parole board, acting under pressure of a public campaign against such a sentence, let him out after a month. His

"release ended the attack of professional patriotic bodies on the Daily Worker, in which the poem had appeared. The federal indictments then pending against its editors were dropped. While we had at first declined to go into this case of 'obscenity', we aided after its purely political character became evident".

Continuing, the pamphlet states, on Page 9, "The last of the political prisoners in state prisons under the the criminal syndicalism laws were released during 1928 - two members of the I.W.W. - JOE NEIL in Kansas in June, after serving six years for mere membership; LEO ELLIS in California in September. NEIL's long term was due in part to the issue of his sanity. He was finally paroled through our efforts.

"The only federal political prisoner in several years was also released - TOM BURNS from Leavenworth in May by Presidential pardon secured through us. BURNS was a member of the I.W.W. arrested in 1924 in one of the California round-ups, but in Yosemite Park, which made him a federal case. We helped appeal it to the U.S. Supreme Court on the issue of mere membership in the I.W.W. being a crime. The decision was adverse. BURNS served six months of a fifteen month sentence.

"Old cases of political prisoners who are the objects of nation-wide campaigns for freedom are TOM MOONEY and WARREN K. BILLINGS in California and the eight members of the I.W.W. in the state of Washington who are serving 25-40 year terms for second-degree murder for defending their hall at Centralia from armed attack by American Legionnaires in 1919.

"The Civil Liberties Union organized a National MOONEY-BILLINGS Committee to conduct a campaign based on MOONEY's application for pardon before the Governor of California. The Committee was formed in 1928 with HENRY T. HUNT of New York as chairman. The Civil Liberties Union puts its facilities at the disposal of the committee and the work is done from our office. A book on the case, pamphlets and reprints of articles have been gotten out and extensive newspaper and magazine publicity has been aroused.

"A representative of the Union, Mrs. ADELE PARKER BENNETT, is handling work on the Centralia prisoners in Washington on our behalf. She volunteers her services but her expenses are paid by the Union. She works in co-operation with the several working-class committees organized to help free these men".

Continuing, the pamphlet states, on Page 9, "We have continued to agitate the issue of jurisdiction of citizenship to the 1,500 men and women who lost their rights through their convictions under the espionage act during the war".

Under the caption "Criminal Cases", the pamphlet states, in part, on Page 10, "The case of criminal libel in Boston against HARRY CANTER grew out of a street demonstration during the fall election campaign. CANTER was candidate for Secretary of the State on the Communist ticket. He carried the placard (FULLER - Murderer of Sacco and Vanzetti) characterizing Governor FULLER in order to give point to the party's attitude. The Union volunteered his defense on the ground that the case involved 'seditious libel' - that is, against an official's acts - and was, therefore, a political prosecution. We also believe that the use of the word 'murderer' as commonly understood, not in its literal sense, did not justify a charge of criminal libel. When the case came on for trial in May, 1929, our General Counsel, Mr. HAYS, defended CANTER. The court refused to allow him to get the issues of the Sacco-Vanzetti case into the record or to interpret the use of the word, and conviction was therefore inevitable. CANTER was sentenced to a year in prison for his trifling offense. The verdict has been appealed, but CANTER went to prison when bail pending appeal was refused".

Under the caption "Strike Cases", the pamphlet states, in part, "Four strikes during 1928 raised many and varied issues of repression - the New Bedford and Fall River textile strikes, the soft coal strike in Pennsylvania and the middle west, the strike of the left-wing women's garment workers in New York City and the hosiery workers' strike at Kenosha, Wisconsin. - - - All of

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"these strikes were marked by cases of assault by the police, hundreds of arrests of pickets, by many cases in court, and the coal and Kenosha strikes by injunctions. But in none of them were any strikers sent to prison for long terms or serious crimes. The longest sentence was for three months for violation of a federal injunction in Ohio and for two months in the case of an organizer in New Bedford.

"The Union was not involved in the Kenosha strike, for the hosiery workers were able to handle their own defense work against the federal injunction and the arrests of over 700 pickets. Nor were we involved in the New York garment workers' strike, save to protest to the Police Commissioner against the hundreds of unwarranted arrests of pickets. In the month the strike ran, 1,350 pickets were arrested, only five of whom had committed an offense justifying the courts in holding them for the grand jury. The great majority were discharged.

"Our connection with the coal strike was chiefly in the cases arising in western Pennsylvania, northern West Virginia, and eastern Ohio. - - - In Ohio we aided in the extraordinary case at St. Clairsville where 51 women, wives of arrested miners, were locked up when they went to visit their husbands in jail. They were charged with 'riotous assemblage'. Released on bail, they were told the charges would not be pressed if they stopped strike activities. The cases have since been dismissed. We endeavored without success to find a way to remove or impeach the prosecutor responsible for this outrage.

"Our connection with the New Bedford and Fall River textile strikes was continuous, though the active defense work was handled by the attorneys for the two rival unions involved. Our part consisted in publicity, protests to police heads and proceedings against lawless officials. - - - The union sent representatives several times to New Bedford to deal with the police, help strengthen the defense, and to institute two cases against police officers charged with brutality. JACOB MINKIN, New Bedford attorney, generously volunteered his services to us in civil liberties cases, and represented us in much of this work.

"Over in Fall River, some ten miles from New Bedford, where the left-wing union sought to spread the strike, the police were far more hard-fisted. The Fall River workers had accepted the wage-cut, the American Federation of Labor unions would not strike, and the police chief (under state, not local control as in New Bedford) felt he could afford to be rough. He at once prohibited all meetings in private halls. The Civil Liberties Union thereupon organized a test meeting on a vacant lot with the Rev. SMITH O. DEXTER of Massachusetts as a speaker with ALBERT WEISBORD of the left-wing union. It went off successfully before an audience of one thousand.

"In the face of police opposition, the left-wing union resorted to the purchase of the vacant lot, christening it 'Liberty Lot'; and proceeded to hold meetings. The police interfered, whereupon we sought relief by applying for an injunction to stop them. At hearings in Boston before the superior court, the injunction was denied but the judge suggested remedies in criminal and civil suits for trespass. The police, however, shied at the court proceedings, and stopped their interference with meetings. Picketing, however, was strictly prohibited, and it was impossible to overcome the police prohibition, the strike, never really established, petered out".

Continuing, the pamphlet states, in part, on Page 13, "We also had on our hands litigation growing out of the Colorado miners' strike which ended early in 1928. Jointly with the General Defense Committee of the I.W.O. we filed damage suits against the Governor, state police officers and officials of the Rocky Mountain Fuel Co. on behalf of the widows and children of the six miners shot to death on the picket line at the Columbine mine in November, 1927. The cases have not yet been heard.

"In a case in the Federal Court at Denver, where we won early in 1928 a decision setting aside the authority of the governor to declare a 'state of insurrection', the state appealed; and we joined with the Colorado State Federation of Labor in an appeal for funds to finance the costs of our side of the case. When it came on for a

"hearing before the Circuit Court of Appeals, it was dismissed on the ground that the question had become moot. The original decision in favor of our contention therefore stands".

In speaking of the alleged violations of civil liberties in the State of Pennsylvania, the pamphlet states, in part, on Page 14, "Where practicable, we aided by publicity, defense funds and attorneys, damage suits and prosecutions against the offending officers, and test meetings to establish the right of peaceful assemblage. The publicity was highly successful, the newspapers backing our position without exception. No damage suit or prosecution of an officer has yet come to trial but they doubtless had the effect of somewhat restraining the excesses of the police".

In referring to specific cases, the pamphlet states as follows, on page 15, "The case pending since 1927 against thirteen miners for alleged rioting at Cheswick on the occasion of a Sacco-Vanzetti protest meeting continued to be postponed, and may never be tried. The old sedition cases dating from 1924 involving four members of the Communist Party arrested at Woodlawn, finally got to the Supreme Court on the sole issue of the constitutionality of the law. The Supreme Court sustained the law in a unanimous decision in April, 1929. We had joined with the International Labor Defense in the earlier appeals in the case, but dropped out when it was taken to the Supreme Court, feeling that it would be better not to appeal in face of the certainty of an adverse decision, and preferring to bring a test on a better issue than these cases presented. The International Labor Defense, however, decided to go ahead alone.

Pittsburgh District

"At Renton, in March 1928, PAT TOONEY and JOHN BROPHY of the left-wing miners' group were arrested while addressing a meeting. TOONEY was assaulted by the officers. Both were charged with inciting to riot. When the case was finally called for trial in December the appearance of CLARENCE DARROW and ARTHUR GARFIELD HAYS, sent

"by us to defend them; apparently had a sobering effect on the prosecution. The prosecutor moved to dismiss the case. Our attorneys protested, but the judge dismissed it. We then swore out a warrant for assault against the officer who beat TOONEY. The case is pending.

"At Export, near Pittsburgh, early in 1928, a former miner, one BALDWINO, not connected with the strike, was assaulted in the street without cause by a state policeman and seriously injured. Both criminal and civil actions were brought by us against the officer and are still pending.

"At White Valley, also early in 1928 while the strike was in progress, our local secretary at Pittsburgh, FRED WOLTMAN, was arrested for 'inciting to riot' when he demonstrated with an officer against an attack on the picket line. The case was dismissed. WOLTMAN then sued the officer for damages. The case is pending.

"At Bentleyville, during the same period, two miners GETTO and DIPIAZZA, were arrested by state troopers while standing on the street in front of the home of one of them. DIPIAZZA was also assaulted and brought a criminal action against the trooper. The police charged the miners with inciting to riot. The grand jury ignored all the charges. DIPIAZZA then filed a suit for damages, which is still pending.

"We instituted criminal action against state troopers for breaking up a meeting and confiscating union records at Avella, but the grand jury refused to indict. We paid the costs, as we did in other cases where prosecutions were brought which the grand juries refused to sustain.

"Many other cases were investigated and efforts made to bring suits. Our offer of co-operation with the United Mine Workers and their attorneys was not followed up by them, though officially accepted. Most of our work was therefore done in connection with the left-wing union.

"At Pittsburgh in September, the organizing convention of the new National Miners Union was broken up by the police, acting with officials of the United Mine

"Workers, who attacked many of the delegates. Over one hundred delegates were arrested, but the police ignored their assailants. Twenty-five men were fined for 'disorderly conduct'. The charges against the others were dropped after the convention. Vigorous protest was made by our Pittsburgh group, with the result that cases were dropped, the ban on meetings of the new Union was lifted (after the convention was over!) and the police stopped their efforts to force the delegates to leave town. The fines imposed were remitted.

"The attacks on the new union, as on its predecessor, the 'Save the Union Committee', did not cease. The Post Office authorities got into the fight just after the convention with the seizure of the records of the Miners' Relief Committee on the theory that money was being fraudulently collected. The case was taken at once to court, where the subpoenas for the records were found to be improper, and the records were returned. The Relief Committee then sued the Post Office inspector responsible for the raid for \$10,000 damages. The case is pending.

"After the Post Office Department's failure, the federal district attorney moved for a grand jury inquiry into the Relief Committee's affairs. The officers of the Miners' Union responded to the subpoena served on them by stating that they did not have the records, and the Relief Committee secretary had left the state. We got into the case and succeeded in getting it dismissed.

"Of all incidents in the long series in the Pittsburgh district, by far the worst was the murder in February, 1929, of one JOHN BARKOSKI, a miner on his way to work. He was beaten and clubbed to death by three drunken coal and iron policemen in their barracks at Imperial. The policemen were charged with first-degree murder. The tragedy aroused wide-spread hostility to the private police system and directly contributed to the campaign in the legislature.

"One incident in Pittsburgh early in 1929, when the police broke up a defense meeting and arrested our

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"local secretary, FRED WOLTMAN, while he was urging the right of free speech, resulted in a helpful opinion by the city law department. The department held that no police permit is required to hold meetings, and scored the police for their action.

Anthracite Field

"While difficulties with meetings arise from time to time in Wilkes-Barre and Scranton, the scene of trouble in 1928 shifted to Pittston, a coal town a few miles from Wilkes-Barre, where a bitter fight was waged between factions in the United Mine Workers revolving around the 'contract system' of mining. Two leaders of one local were brutally murdered in the street by machine guns. A protest meeting was called. It was forbidden by the mayor, who called in the state police.

"POWERS/HAPGOOD and his wife, MARY DONOVAN, walked the street in front of the hall where the meeting was to have taken place with black arm bands reading 'We Mourn Free Speech'. They were arrested, charged with 'rioting' and held in exorbitant bail. The grand jury indicted them. The judge directed a verdict of acquittal after the state's witnesses had failed to making out any rioting.

"Later in the year, the same mayor prohibited meetings of the National Miners' Union. But Anthony Minerich, a left-wing union leader, was arrested just after the meeting, charged with dynamiting a church! At the hearing on the charge, the state troopers who made it failed to appear, and it was dropped.

Philadelphia

"The issue of advance police censorship of meetings, which we have tried for years to get before the courts, at last got there through the arrest of sixteen persons in February, 1928, at a meeting called to discuss unemployment. The superintendent of police had refused a permit, and when the meeting was held anyway, he broke it up. The meeting adjourned to the Workers' Party Headquarters,

"where the arrests were made. Five of those arrested were fined ten dollars each for disorderly conduct.

"Our attorneys appealed on the ground that it was a lawful meeting, and that the disorder was due entirely to the lawless conduct of the police. The Appellate Court sustained the convictions, and refused to rule on the police authority to censor meetings. Appeal has been taken to the state Supreme Court.

"A number of other cases arose in Philadelphia involving street meetings of the 'Workers' Party, one street demonstration by the Anti-Imperialist League, one raid on a class for children held in the home of a radical, and one arrest of a speaker for remarks at a meeting. Two sedition cases were brought in connection with these arrests. These cases were handled both by our Philadelphia representatives and by the International Labor Defense."

Under the caption "Injunctions", the pamphlet states in part, on Page 18, "In Ohio a federal judge who had issued an injunction against coal miners on strike later cited an organizer for the left-wing, ANTHONY MINERICH, and seven others because they had in public speeches advocated violation of the injunction. MINERICH's case went up on appeal on this new issue of mere advocacy of violating the injunction. No violation of the terms of the injunction itself was charged. The Appellate court held that to advocate violating an injunction is to violate its 'spirit'. The United States Supreme Court refused to hear the case and MINERICH went to jail for ninety days. The Union helped finance the appeal. - - - - -"

"Efforts to turn the tables on opponents of civil liberty by getting injunctive relief for the victims usually meet with failure where it is sought to enjoin public officials. In Jersey City where the local political machine interfered with the right of an opponent. JAMES BURKITT, to speak on the streets, the courts were asked for protection. BURKITT was unable to get an injunction to restrain police interference, the court holding that the remedy should be an action for damages of a criminal prosecution.

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"In Lynn, Mass., the mayor forbade all meetings, even in private halls, of an established union of shoe workers because it was addressed by men he regarded as 'reds'. We took the issue into the courts on an application for an injunction. The court declined to grant the injunction but certified the issue to the Supreme Court of the state for an opinion as to the right to get that kind of relief. The Supreme Court held it valid, and new proceedings were started, which are still pending. - - - -"

Under the caption of "Interference with Meetings" the pamphlet states as follows:

"The year 1928 showed four times as many meetings banned or broken up as in the previous year - and far more than in any year since 1921. And this despite the fact that it was a Presidential campaign year when the right of assemblage is usually less restricted."

"An examination of the 53 cases reported to the Union shows that the chief cause lay in the campaign activities of the Workers' Party and in the organization of left-wing unions in the coal and textile industries. Nine out of ten cases were directly or indirectly connected with the Communist movement. So far as our records show, no Socialist Party meeting was broken up; no American Federation of Labor meeting save a few of the United Mine Workers in Pennsylvania and Ohio and no meeting on birth control or other feared and unpopular topics."

"Despite the many meetings banned or broken up, both in private halls and on the streets, and despite the many arrests and cases in court, only a few convictions resulted. Of these only a few persons were sent to jail and for terms of a few days only."

The Union was active in endeavoring to protect the right of assemblage in many of these instances through our attorneys, local committees and representatives, and by protests to the authorities. In Wheeling we secured an injunction to prevent interference, and in other cities threats of court action sobered the officials. In most instances, a

determined resistance won the right finally to hold meetings...

The Workers Party was on the ballot in 32 states against 14 in 1924, and conducted a nation-wide campaign. Trouble arose chiefly in the smaller cities of the middle west where such radical doctrine was new and shocking, and in the border-line states where the Party's race equality demands made trouble. But many occurred also in the east and north. The places where the issue was either conspicuous or fought out were Wheeling, West Virginia, Houston and Dallas, Texas, Rockford, Illinois, Wilmington, Delaware, Yonkers, New York, Phoenix, Arizona, Bellaire and Martin's Ferry, Ohio, and in both the anthracite and bituminous coal regions of Pennsylvania. One little city in Kansas, Arma, even passed an ordinance prohibiting Workers' Party meetings, but our friends staged two successful test meetings with Communist speakers.

From Dallas, where FREDERICK GIBSON, Party candidate for vice-president, was prevented from speaking, came a unique contribution to the cause. A self-styled "Royalist League of America" advocating a sovereign for the United States demanded the use of the city auditorium. We backed them up, inquiring incidentally as to their candidate for king. The city commissioners refused at first, finally gave in. It then came out that it was a hoax to show up the authorities. A pleasant time was had by all, especially the press.

Outside the Workers' Party meetings, issues arose over the street demonstrations of the Anti-Imperialist League in New York, Washington, and Palo Alto, California, where HOOVER was picketed as he started off on his South American tour. Scores of the demonstrators were arrested in New York and Washington, and many either were fined or served a few days in jail.

Sacco-Vanzetti memorial meetings in August, the first anniversary of their execution, either brought out the police in force in many cities or resulted in break-ups. In St. Louis the police resorted to tear gas to clear out the meetings. In Kansas City, Kansas, criminal syndicalism prosecutions resulted. In Boston, one of the speakers, Prof. HORACE VAILLANT, was charged with "blasphemy".

The left-wing unions ran into police opposition in

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both the coal and textile districts. Meetings in the coal towns of western Pennsylvania, northern West Virginia and eastern Ohio were frequently broken up or prohibited. In Fall River, Mass. the left-wing union held meetings only with great difficulty. As an aftermath of the Passaic textile strike of 1925, an issue arose there over allowing ALBERT WEISEBOND, leader of that strike, to speak in the summer of 1928, when no strike was on or contemplated. Our intervention with the authorities resulted in his being allowed to speak without even a police officer present.

In Paterson, N. J. where the police are notorious for curtailing strike meetings, a strike of silk workers ran from October to January without a single instance of police interference -- due doubtless to the decision of the highest court in the state against the police conduct in the 1924 strike. (The case of ROGER BALDWIN and others.) Some account of the interference with strike meetings appears in the section on strike troubles (page 11). Pennsylvania's troubles are treated on pages 14 to 18.

Issues quite outside the Workers' Party on left-wing activities arose in Jersey City in the political conflict between the Hague machine and its opponents, notably JAMES BURRITT, leader of the citizens' reform forces. Our intervention and threat of court action established at once opponents' rights to unmolested street meetings. An old case in Lynn involving a Socialist street speaker was decided by the appellate court, sustaining the right of the mayor to refuse a permit.

The cities where we can still count on police interference with unfortunate regularity are Boston and Taunton, Mass., Philadelphia, Wilkes Barre, Pittsburgh, Pittston, Penn., Bellaire and Martin's Ferry, Ohio.

Under the caption of "Aliens" Page 21, the pamphlet states in part "Deportations for political views or distributing radical literature are now happily rare. All alien anarchists are liable to deportation; so are all alien members of the Community Party. The law is not 'unforced' because the red drives of some years ago aroused such opposition, and because the 'menace' of radicalism is so slight -- --" It aided in appealing the case of one TSIAFG, a student at Stanford

University, ordered deported to China, where his known radical connections would have doubtless caused his immediate execution. He was released by the Federal Court, and is now a student at Columbia University."

"The well-known issue of the exclusion of Count IGRAEL KAPOLYI came up again on the occasion of his stopping off in New York for two days in September en route by boat from Mexico to France. We organized a large reception committee of distinguished citizens which sponsored a meeting of welcome held on Wall Street near the pier where he arrived. He went to Washington with his attorney, MORRIS L. WEST, to discuss with the State Department his exclusion. He followed this up on his return to France with an application for a visa, which we supported with a petition signed by many well-known citizens. The Department "found no reason to alter the decision" previously reached. We again protested Count KAPOLYI'S exclusion on the occasion when the general secretary of "Fascist organizations abroad" was admitted to the country on a diplomatic passport.

While the case of Mrs. POSIKA SCHUTZER raised in the higher courts the issue of citizenship for pacifists, it is not unique. Other aliens have been refused for refusing to bear arms,-- all of them members of religious sects historically opposed to participation in war. Notably among them is the case of MARTHA GRABER, a Mennonite, who was denied citizenship in Ohio early in 1929. Her case may be re-opened and appealed to raise the issue of religious objection to bearing arms, recognized in all the early constitutions."

Under the caption "In Schools and Colleges" the pamphlet states in part as follows:

"Our Committee on Academic Freedom had only one case during the year of the dismissal of a university professor for his views. It was impossible to secure any action either for redress or reinstatement. The case was that of WESLEY MAURER, Assistant Professor of Journalism at Ohio State University. The cause of his dismissal was his favorable treatment of the coal strike in a department of a local paper which he conducted as a laboratory in journalism for his students. Unhappily for Professor MAURER, a leading member of the board of the university was a powerful coal operator

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and he objected to Professor MAURER'S friendly attitude to the strikers.

But early in 1929 two other issues resulting in the dismissal of instructors arose. In the University of Missouri, three faculty members were let out and one suspended for circulating a sex questionnaire among students. At the University of Pittsburgh one instructor, who was the secretary of the local Civil Liberties Committee, was discharged, doubtless for his outside activities, and at the time when the Liberal Club was disbanded, and its two student officers expelled because of its discussion of radical issues. A program on the Mooney-Billings case was the provoking cause.

The only case of interference with a speaker before a college audience in 1928 or early in 1929 was the refusal of President CLEWIS FRANK of the University of Wisconsin to allow Mrs. BERTRAND RUSSELL to address the student Liberal Club on sex problems. President FRANK questioned the propriety of such a discussion before a mixed audience. Arrangements to have the meeting in the state Capitol were cancelled by the governor. The meeting was finally held in the Parish House of the Unitarian Church before a crowded audience of students and towns-people."

Continuing, the pamphlet states, on Page 23:

"In the public schools the issues of evolution, of compulsory flag drill and of students' connection with the Communist youth organization cropped up here and there. In Tennessee one high school principal was charged with using an evolution text book banned by law. The Union offered to take the case into the federal courts if he were found guilty. He failed to respond to our offer.

The issue of compulsory flag drill arose in Delaware where Mennonite children refused to join in the patriotic exercises. The state Board of Education ruled that teachers must discipline children who refuse to salute the flag. Again our offers to take up the issue got no response.

In Oklahoma City a twelve-year-old boy who on religious grounds declined to salute the flag was excused by the princi-

pal of the school and the school board wisely sustained him.

In Michigan a boy was expelled from a high school for membership in the Young Workers' League. The action was based on a state law against fraternities. The Union planned a mandamus action to restore the boy to the school but he moved and track of him was lost.

The controversy in New York City between the Civil Liberties Union and the board of education for the right of the Union to hold meetings in public school buildings like other organizations was finally ended in November. The controversy had dragged on for two years and was at various times before the State Commissioner of Education and the courts. Officials of the Board of Education opposed the Union's definition of free speech, believing that a discussion of the right of unlimited free speech would open the way to all sorts of advocacies in school buildings. Mr. LOUIS MARSHALL represented the Union in the controversy with the Board and made a powerful plea against any discrimination based on our conception of free speech.

The board finally agreed to permit the Union to hold a meeting on "Old Fashioned Free Speech" with a distinguished list of speakers. The Union having won recognition of its right did not hold the proposed meeting. The ban has been lifted."

Under the caption of "Censorship" the pamphlet comments on the new problem arising with the advent of talking movies and cites efforts to except the spoken dialogue from the jurisdiction of the various state boards of censors. In this connection the pamphlet states in part "no issue of the freedom of speech was raised during the entire course of litigation although the Civil Liberties Union endeavored to get into the proceedings for that purpose. We expect to raise that issue in future litigation over censorship in other states" (than Pennsylvania).

"The censorship exercised by the Post Office produced a notable case when little stickers on the backs of envelopes issued by the All-America Anti-Imperialist League with the words 'Protest Against Marine Rule in Nicaragua' were barred from the mails. The Post Office Department cited as authority their usual censorship section barring 'libelous, obscene and lascivious' matter from the mails. The Anti-Imperialist

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League brought suit in the Federal Court in New York to enjoin the Post Office Department. The Civil Liberties Union aided the League in its effort. ARTHUR GARFIELD HAYS represented the League in court at our request. The case was thrown out on the ground that the Anti-Imperialist League did not come into court with clean hands because of its campaign of "flaschhood" concerning the marines in Nicaragua.

"Since the court had objected particularly to the implication that the marines were "ruling" Nicaragua, Mr. HAYS' advice was to have a stamp printed 'Protect Against the Marines in Nicaragua'. This was done at our suggestion by the Emergency Committee on United States Policy in Nicaragua formed by the Fellowship of Reconciliation. Thousands of little stickers bearing these words were attached to envelopes. The Post Office Department was advised of them but did nothing. The postmaster in New York replied that the stickers might be used until he advised to the contrary. The Solicitor in Washington refused to make a ruling. Apparently they feared that a more reputable organization would take them into court on a better issue and they did not want to risk it.

"The Post Office Department raised the issue of censorship in a criminal case which it caused to be brought against Mrs. MARY WARE DENNETT of Brooklyn, whose pamphlet the 'Sex Side of Life', the department had held obscene since 1922. An indictment was obtained in December, 1928, and the case went to trial early in 1929, resulting in Mrs. DENNETT'S conviction. We have organized a defense committee to appeal it. The issues of this prosecution, which have aroused wider interest than any censorship case in years, are set forth in a separate pamphlet, and are therefore not dealt with here.

"The Post Office Department banned from the mails one number of IL MARTELLO, Italian weekly anti-Fascist paper published in New York, which has often been in trouble with the Post Office Department because of its militant attitude. The reason for excluding this particular number was an attack on a representative of fascist Italy at an aviation congress in Washington. When the paper was reprinted leaving blank the space where mention of the representative had appeared, it was accepted for mailing.

"The issue of political censorship also arose in the threatened action of the Federal Radio Commission to refuse continuing the license of station WED in New York City, established in memory of EUGENE V. DEBS. A vigorous public protest participated in by the Union and many other organizations resulted in the Radio Commission's reversing its announced intention.

"The censorship of the stage and of books, either by administrative action or by criminal prosecution, are issues which the Union has rarely been called upon to take up. But it should be noted that the prosecutions on grounds of obscenity have increased in recent years, particularly in New York and Boston, due doubtless to the growing freedom of discussion of sex problems, which clashes with entrenched prejudices. Boston continues to be the hub of censorship in all its forms. It is the only city in the country which maintains an official ban on advocacy of birth control in any licensed hall, though opponents are allowed to speak where they like."

Under the caption of "Southern California Branch" the pamphlet states in part:

"When this branch was organized in 1923 it was the I. W. W. whose civil rights were ruthlessly violated. Hundreds of them were arrested by the police for mere membership in the organization, thrown into jail, maltreated, tried and shunted off to San Quentin and Folsom prisons for from one to fourteen years each. Now they are at liberty again, the last two--JACK BEAVER and LEO ELLIS--having been freed in March and September 1928.

"No longer do the California authorities attack the I. W. W. It is the Communists who have recently been the objects of official persecution. In October the local Red Squad pounced upon them right and left. Their headquarters was raided and the teacher of the Workers School together with another worker were jailed. A bookstore run in connection with the headquarters was stripped of most of its volumes. The same week the Co-operative Bakery and the Abraham Raisin School neither of them Communist concerns but located in a building where the Communists hold many of their meetings, were invaded and turned topsy-turvy, supplies removed to police headquarters and several arrests made. Homes were entered, late at night in some instances, personal belongings were taken away and a number of people dragged to jail.

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"All of these things were done without search warrants or warrants for arrest. Moreover, the usual tactics of holding prisoners incommunicado and beating them up were pursued. One man was so badly abused that he had to be rushed to the City Receiving Hospital for emergency treatment.

"Six aliens charged with 'anarchy' under the federal statutes were held for deportation. At first their total bail was placed at the excessively high figure of \$23,500, but that was later reduced to \$4,500. Their local hearings have been held and the disposition of their cases now rests with the Department of Labor in Washington. If the decisions are adverse we shall appeal to the federal courts."

"-- -- MOONEY and FILLINGS are still in prison doing their thirteenth year. A California Committee is being organized to cooperate with other agencies in carrying on a campaign to secure the release of these two victims of the most shameful frame-up in the history of the state."

The material furnished above, under the caption of "Southern California Branch" is over the printed signature of CLINTON J. TAFT, Director.

Under the caption of "The Program Ahead", the following program for 1929 is set forth in the pamphlet:

Strike Cases

"In Western Pennsylvania where dozens of cases of assault and unlawful arrest arose during the coal strike, there are three suits pending in court against either state or private police and one against a post office inspector.

"In Colorado as an aftermath of the coal strike of 1927-28, there are pending in the courts damage suits on behalf of the victims of the Columbine mine tragedy where six men were killed by state officers.

"In New Bedford, Mass., one case against ALBERT WEISBORD, one of the leaders of the left wing union during the strike, is still pending. The Union will handle it when it comes to trial. Suits against the police in New Bedford and Fall River are still in the courts as a result of brutalities

during the 1928 textile strikes.

Political Prisoners

"The national campaign for the pardon of MOONEY and BILLINGS in California continues under the direction of a special National Mooney-Billings Committee organized by the Union.

"We are aiding in the campaign for the release of the eight members of the I. W. W. in the state of Washington serving sentences of 25 to 40 years for defending their hall from an attack by armed members of the American Legion in 1918.

"The campaign to restore the rights of citizenship to the 1,500 men and women convicted under the espionage act during the war is being pushed with the Hoover administration.

"A campaign will be undertaken in Pennsylvania to secure the pardon of the four members of the Communist Party sentenced under the sedition act for distributing Party literature.

Lawless Mayors and Police

"The case testing the right of the Philadelphia police to censor meetings in public halls is on appeal to the Supreme Court of the state.

"A test of the similar control of public halls in Boston is being arranged by the Boston Committee.

"A case brought by us enjoining the mayor of Lynn from interfering with meetings in private halls is pending in the Superior Court in Massachusetts.

"Organized opposition to the tactics of the New York City Police Department in making raids, illegal arrests and arbitrary rulings controlling picketing in strikes will be pushed.

Restrictions on Education

"Efforts are being made to get a test case of the

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Arkansas anti-evolution law in order to get a decision on such laws by the U. S. Supreme Court.

"The Union is prepared to take to the U. S. Supreme Court the issue of compulsory Bible reading in public schools in a case which has long been in the Supreme Court of South Dakota without decision.

Aliens

"The case of Madame ROSINA SCHWIMMER, denied citizenship because of her pacifist views, has prompted a campaign in Congress to change the law, and may also result in another court case involving purely religious scruples.

"The right of the government to revoke citizenship of naturalized citizens because of Communist views will be tested out in an appeal to the U. S. Supreme Court in the case of one TAPOLCZYANSKI at Pittsburgh.

"Co-operation with agencies attacking the efforts of the Fascist government to intimidate Italian-American citizens for anti-Fascist views is under way.

"The Union will continue its efforts to oppose further restrictions on aliens by Congress, either by extending the grounds of deportation or requiring registration.

"Efforts to reopen the case of Count and Countess KAROLYI with the State Department will be undertaken in order to secure their entry into the United States from which they have been barred for some years.

Censorship

"An appeal from the decision of the Federal Court at Brooklyn convicting Mrs. MAY WARE DEWEY for sending through the mails her pamphlet 'The Sex Side of Life' is in the hands of a special defense committee organized by the Union.

"Plans to join in test cases in the courts to combat the censorship of talking movies are in the hands of our attorneys.

"Censorship of books and plays by the Boston authorities will be fought in the next legislature by our Boston Committee."

Criminal Cases

"We will aid in the defense of the miners indicted at Cheswick, Pa. for riot, incitement to riot and resisting officers."

"Also in the appeal from the conviction of HARRY CANTER at Boston for criminal libel against former Governor FULLER of Massachusetts by carrying a sign on the streets 'FULLER, Murderer of SACCO and VANZETTI'."

Injunctions

"A special committee to work out a practical plan of legislative restrictions on the power of the courts to issue injunctions in industrial conflicts has been formed and a campaign will be undertaken when a satisfactory bill is drafted."

Bail Fund

"The Union is administering a bail fund established by the American Fund for Public Service in co-operation with several agencies. The Union passes on cases for which bail is to be written."

Publications

"Material for the following publications is in course of preparation to be gotten out as funds permit:

1. Civil Liberties in the Colonies.
2. The Gag on Speech.
3. The Censorship of Books, Plays and Movies.
4. An abstract of the book 'Don't Tread on Me', suggesting aggressive tactics to secure civil rights."

On Page 32 of this pamphlet it is stated that since the Union was organized in 1920 as a successor to the Civil Liberties Bureau, it was a voluntary association and although proposals to incorporate it were made at various times, the advantages seemed too slight to justify it. However, in the face of contemplated bequests, the advantages became apparent and therefore, the American Civil Liberties Union was incorporated in the State of New York early in 1929. The Executive Committee then became the Board of Directors with larger powers than before and the National Committee which formerly controlled policies became Advisory. However, there was a provision in the by-laws making the advice of the National Committee binding on the Board, so that in fact, according to the pamphlet, the actual relationship had not changed. The pamphlet states that the active members of the corporation are the members of the National Committee who elect the Board of Directors. All subscribers become associate members.

The pamphlet states that four new members were added during the year 1928 to the National Committee making the total 36. These new members were CHARLES F. ATDON, retired Judge of the United States District Court of North Dakota; EDWIN H. BORCHARD, Professor of Law, Yale University; JOHN D. LEY, Professor of Philosophy, Columbia University, and HUBERT C. HARRING, Secretary of the Congregational Commission on Social Service.

The pamphlet states that by expiration of terms, six members retired from the National Committee as follows: JOSEPH D. CARSON, LINCOLN COLCORD, JAMES A. DUNCAN, EDWARD W. EVANS, WILLIAM H. JOHNSTON and STEPHEN STEDMAN. The pamphlet states that two members resigned for personal reasons, namely, JOHN ADDAMS and FRANK P. WALSH.

The Executive Committee, which met weekly, in active charge of the Union's affairs was composed of HARRY F. WARD, chairman; ROBERT W. DURN, MORRIS I. ERNST, WALTER FRANK, ARTHUR GARFIELD HAYS, HUBERT C. HERRING, JOHN HYNES HOLMES, BEN W. HUTSCH, HENRY R. LINVILLE, ANNA ROCHESTER, JOSEPH SCHLASSBERG, NORMAN THOMAS, and the office staff, ROGER N. BALDWIN, FOREST RILEY and LUCILLE B. MILLER. The pamphlet states that ELIZABETH GUINNY FLYNN and HELEN PHELPS STOKES were granted leaves of absence on account of illness. The pamphlet also

advises that WOLCOTT M. PITMAN was obliged by pressure of other work to resign as General Counsel and was succeeded by ARTHUR GARFIELD HAYS.

According to this pamphlet, the following pamphlets and leaflets were published in 1928:

THE FIGHT FOR FREE SPEECH 1921-28. A summary of the work of the American Civil Liberties Union. (72 pages)

THE SHAME OF PENNSYLVANIA. The story of how Pennsylvania leads the states in police brutality, prosecutions for opinion and war on strikers and radicals. (24 pages)

THE WAR OF THE COLORADO MINERS. The story of the recent struggle of the striking miners in Colorado for civil rights. (12 pages.)

RESTORE THE RIGHTS OF CITIZENSHIP TO THE 1,500 ESPIONAGE ACT VICTIMS! A plain statement of the facts concerning the civil disabilities of men and women convicted for their utterances during the war-time espionage act, with concrete proposals for a remedy. (12 pages.)

THE VICTORY IN NEW JERSEY. An account of the unlawful assembly case against ROGER M. BAITMAN and PATTERSON silk strikers with the court decisions and editorial comment. (20 pages)

"We either reprinted or advertised in our list of publications the following new pamphlets:"

THE BLUE MENACE, by ELIZABETH McCANSLAND. Reprint of a series of articles in the Springfield Republican (March 1928) on the propaganda by the W. A. R. and professional patriots.

CONTEMPT BY PUBLICATION IN THE UNITED STATES, by WALTER NELLIS and CAROL WEISS KING. Reprint of articles for lawyers in Columbia Law Review, (April and May, 1928) dealing with contempt through public criticism of the courts.

THE COAL STRIKE IN WESTERN PENNSYLVANIA. A report on conditions by the Federal Council of Churches, New York City.

"We help to promote the sales of the following new books by sending out advertising circulars or listing them in our leaflet of publication:

AMERICAN INQUISITORS, by WALTER LIPPMAN; lectures on the issue of the evolution case in Tennessee and the censorship of history text books in Chicago.

DON'T TREAD ON ME! By CLEMENT WOOD, McALISTER COLEMAN and ARTHUR GARFIELD HAYS. A study of aggressive legal tactics for labor's civil rights.

THE INQUIRING MIND, by ZECHARIAH CHAFEE, JR. Collection of articles on recent free speech issues in the courts.

LIT FETTER RING, by ARTHUR GARFIELD HAYS, a dramatic account of recent civil liberty trials.

TO THE PURE, by MORRIS L. BRIST and WILLIAM STAGLE. A study of obscenity and the censor.

The pamphlet states on Page 34 that ten law bulletins were issued during the year to a list of about 600 lawyers who asked for them. These pamphlets interpreted current decisions of the highest courts on Civil Liberty Issues.

On Page 35 the pamphlet states that the National Bail Fund continued to liquidate its outstanding bail, reducing the fund from \$55,000 to \$34,000. The pamphlet states that the financial condition of the Union is good as of the date of issue of the pamphlet and reflects that a total of \$35,500 was received for the fiscal year, of which \$34,500 was expended. The largest single contribution to the Union was recorded from Mrs. MARGARET DE SILVER who was recorded as "generously continuing her husband's subscription of \$1,200 a year".

On Page 38 the pamphlet states that the following special funds were closed during the year:

Paterson, N. J., Unlawful Assembly Cases

West Virginia Miners Cases

Cheswick, Pa., Miners' Cases

Freedom in Education Fund

New Bedford and Fall River Strike Cases

Pennsylvania Fund

Colorado Coal Strike Fund

Roger Baldwin Fund

Book Fund

National Mooney-Billings Committee

In connection with the Roger Baldwin Fund set out above, the pamphlet states that this fund was established in 1927 to put ROGER BALDWIN back on the staff upon his return from a years leave of absence abroad. This fund, under the heading of expenditures, showed the salary of ROGER BALDWIN as \$2,400 plus traveling expenses of \$107.79.

Under the heading of "Loans" the financial statement showed loans to the International Labor Defense, National Office and Boston Branch, also to the Philadelphia Branch of that organization.

As of January 31, 1929, the pamphlet recorded the American Civil Liberties Union, Inc., as having assets of \$17,106.95; liabilities of \$11,928.80 and a surplus of \$5,178.06.

The pamphlet recorded the following individuals as officers and members of the National Committee as of January 31, 1929:

OFFICERS

Chairman, HARRY F. WARD; Vice-Chairman, HELEN PHELPS STOKES; DAVID STARR JORDAN; JAMES H. KAUFER; Treasurer, B. W. HUEFSCH; Directors, ROGER W. BALDWIN, FOREST BAILEY; Field Secretary LUCILLE E. MILLER; Counsel, ARTHUR GARFIELD HAYS; Washington Correspondent, CLAYTON S. SPEAR.

NATIONAL COMMITTEE

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|---------------------------|--------------------------|
| CHARLES F. ANDON | MARY E. McDOWELL |
| HARRY ELMER BARNES | ANDRE MARTIN |
| HERBERT S. BIGELOW | ALFRED M. BIKIEJOHN |
| EDWIN I. BORCHARD | HENRY R. BUSSE |
| RICHARD C. CABOT | ... J. HUSTE |
| JOHN S. COLEMAN | SCOTT N. LING |
| CLARENCE DARROW | WALTER NELLS |
| JOHN DEWEY | FREMONT OLDER |
| JAMES H. DILLARD | JULIA S. O'CONNOR PARKER |
| ROBERT W. DUNN | WILLIAM PICKENS |
| JOHN LOV JOY ELLIOTT | JEANNETTE HANKIN |
| ELIZABETH GLADSTONE EVANS | EDWARD A. ROSS |
| ELIZABETH GURLEY FLYNN | JOHN A. RYAN |
| WILLIAM Z. FOSTER | JOHN NEVIN SAYRE |
| FELIX FRANKFURTER | JOSEPH SCHLOSSBERG |
| ERNST FREUND | ROSE SCHWEDERMAN |
| KATE CRANE GARTZ | VIDA D. SCHUDER |
| NORMAN HAPGOOD | IRBA HILFEL SILVER |
| HERBERT C. HERRING | JOHN F. SINCLAIR |
| MORRIS HILLQUIT | CLARENCE R. SKINNER |
| JOHN HAYNES HOLMES | NORMAN M. THOMAS |
| FREDERIC C. HOWE | EDW. D. TITTMANN |
| JAMES WELTON JOHNSON | ALBERT W. TODD |
| H. L. N. KELLER | WILLIAM S. ... |
| GEORGE W. KIRCHWEY | OSWALD GARRISON WILLIAMS |
| JULIA C. LATHROP | B. CHANNY VLADICK |
| AGNES BROWN LEACH | DAVID WILKINSON |
| ARTHUR LESUTUR | GEORGE P. WEST |
| HENRY R. LINVILLE | PETER WITT |
| ROBERT MORES LOVETT | L. HOLLINGSWORTH WOOD |

A photographic copy of the above pamphlet is being transmitted to the Bureau for reference purposes, designated as Exhibit No. 20.

In June of 1929 the A. C. L. U. issued a pamphlet entitled "Old-Fashioned Free Speech - What American Statesmen and Publicists have said on it".

A photographic copy of this pamphlet is being transmitted to the Bureau for reference purposes, designated as Exhibit 21.

The New York World Telegram, under date of May 2, 1929,

carried a news item regarding the MARY WARE DENNETT Defense Committee. This article reads as follows:

ORGANIZED TO AID MRS. DENNETT

"A national MARY WARE DENNETT Defense Committee will form out of a preliminary committee meeting at 3 o'clock tomorrow afternoon at the headquarters of the American Civil Liberties Union. Room 1,403, 100 Fifth Avenue.

"The committee will plan the financing of a defense fund, elect a treasurer and decide to whom appeals for money shall be addressed. It will arrange a public meeting.

Appealing from Fine

"Mrs. DENNETT is appealing from a \$300 fine, with its equivalent of 300 days in jail, levied after a Brooklyn federal jury found her guilty of sending obscene matter through the mails.

"The 'obscene matter' was a pamphlet, 'The Sex Side of Life', written for the sex education of her two sons, now grown men. It had been widely indorsed by physicians, educators and welfare organizations.

HOWARD Heads Committee

"ROY W. HOWARD, chairman of the board of directors of the Scripps-Howard Newspaper, is chairman of the committee.

"The others are: --Dr. R. C. DICKINSON, of the Academy of Medicine; Dr. LOUIS I. FARRIS, former New York city Health Commissioner; KATHARINE BERNETT DAVIS, president, Child Welfare League; RABBI STEPHEN S. WISE, COPLISS LATOUP, assistant professor of philosophy, Columbia University, and son of THOMAS LATOUP financier; RUPERT HUGHES, novelist, and HARRISON H. ELLIOTT, professor of religious education, Union Theological Seminary.

Pamphlet Reprinted

"The New Republic in its issue on the stands today

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reprints portions of 'The Sex Side of Life'. The magazine was sent through the mails.

"In a foreword the editors of the weekly explain that the pamphlet's publication was 'to show how false and unfair was the allegation' against Mrs. DENNETT.

"The conclusion of Mrs. DENNETT'S pamphlet, referring to the physiology of the reproductive processes, is omitted by the New Republic because 'we do not wish to confuse the issue by instituting a new occasion for a trial . . . which in all probability would cause this issue to be withheld from the mail.'

"Bail of \$1,000 was posted for Mrs. DENNETT with United States Commissioner MARTIN C. EPSTEIN today. She was represented by HENRY STEIN, partner of her attorney, MORRIS L. ERNST. A surety company put up the bail."

A photographic copy of this news clipping is being transmitted to the Bureau, designated as Exhibit No. 22.

In April of 1929 the A. C. L. U. issued a pamphlet entitled "The American Civil Liberties Union, Inc., - What is it? What are its principles? What does it do? Where does it get its money? Who controls its policies?"

On Page 3 of this pamphlet it is stated that the A. C. L. U. has over 2,000 members and contributors and that nearly 5,000 persons were active in one way or another in its work. This number includes 800 cooperating attorneys, 1,000 correspondents and investigators, and 500 speakers, writers, and ministers who volunteered their services. The pamphlet further relates that the A. C. L. U. is directed by a Board of Directors who act in consultation with the National Committee numbering about 70 throughout the country. The Board of Directors was composed of members living in or near New York City, and met weekly. The National Headquarters of the A. C. L. U. was recorded as being at 100 Fifth Avenue, New York City, in the hands of two directors, a field secretary and a publicity director. The pamphlet also indicated that the A. C. L. U. also had representatives in Washington, D. C., in charge of Congressional work.

A photographic copy of this pamphlet is being transmitted to the Bureau for reference purposes, designated as Exhibit No. 23.

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AMERICAN CIVIL LIBERTIES UNION--1930

In June of 1931 the A.C.L.U., address 100 5th Avenue, New York City, issued a pamphlet entitled "The Fight For Civil Liberty 1930--1931" containing a resume of the activities of that organization during 1930 and up to June of 1931.

A photographic copy of this pamphlet is being transmitted to the Bureau, with the copy of this report, designated as Exhibit 24.

In the pamphlet the A.C.L.U. describes the year 1930 as the worst year since the war for free speech, persecutions and for meetings being broken up or prohibited. The pamphlet states: "This great increase in depression was do to the fear of unrest and disorder during the economic depression. . . . Communistic demonstrations savagely attacked in the early months of 1930 were tolerated with few exceptions in the later part of the year.

During the political campaign in the Fall of 1930, Socialist meetings were broken up for the first time in a number of years.

On the whole, the Communist movement has borne the brunt of attack, either for its direct party activities or for its efforts through left-wing organizations in unionizing workers and leading demonstrations and hunger marches. In many localities, unfamiliar with Communist agitation, they aroused hysterical attack. In others they were sensibly handled, even to the extent in three states of permitting hunger marchers to address the legislators in session and practically to "occupy" the capitol.

Coupled with the fear arising from the economic depression, and the provocation of Communist tactics, was the focusing of all the fearful and reactionary forces in the hearings of the Congressional committee investigating Communism, headed by HAMILTON FISH, JR. These hearings, held from coast to coast and backed by professional patriots and Russian Czarists, got newspaper space out of all proportion to what they disclosed. However ridiculous the Committee's work seemed to intelligent people, it was taken seriously by police and

prosecutors all over the country. Behind the barrage of anti-radical publicity, the professional patriots and militarists egged police and prosecutors on to action. While the Committee's recommendations for dealing with Communists have no chance of adoption, still its effect in stirring up prejudice, breaking up meetings, and causing arrests, was tremendous. Those effects wore off in the latter part of 1930.

The situation has markedly changed since. The first five months of 1931 showed a record of cases approximating the quieter days of "prosperity." But this outwardly less tense situation has in it explosive possibilities, with the depression continuing and relief wholly inadequate. Next winter may well see resort to disorderly, even violent outbursts of men and women driven to desperation.

Continuing, the pamphlet states on page 5:

The parts of the country which continue still to have the most numerous cases of repression are:--the South, particularly aroused since the textile strikes of 1929 and the invasion of Communists with their doctrine of social equality; the Los Angeles district, where the Better America Federation does its patriotic duty; Pennsylvania, where the entrenched coal and steel interests rule with the weapons of police, sheriffs, gunmen, injunctions, and sedition prosecutions; New England textile towns; and industrial towns in New Jersey and Connecticut.

Against all this repression the Civil Liberties Union, aided by a score of agencies, puts up a fight on a wider front. The National Committee on Labor Unjunctions has focused interested forces for the first time on legislative relief. The work of a National Council for Freedom from Censorship, just formed by the Union, promises to focus similar forces to abolish the many forms of legal control over stage, movies, books and radio. The increase in local work at points where conflict is most acute also strengthens the attack. Expansion of the Union's membership is being undertaken, despite the depression, in the belief that the variety of issues we now handle will obtain a response sufficient to build a more powerful fighting movement against the violence of repression and for orderly progress.

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REMOVED

Under "Gains" and "Setbacks" for 1930 and up until June of 1931 the pamphlet lists the following:

GAINS

In the Courts

U. S. Supreme Court decision voiding Minnesota press gag law.

U. S. Supreme Court decision reversing a conviction under the California anti-red flag law.

Decision of the U. S. Supreme Court requiring recognition of a bona fide trade union and dissolution of a company union.

Reversal by the Court of Appeals in New York of the Post Office Department ban on Mooney-Billings envelopes.

Reversal by the same court of the conviction of MRS. MARY WARE DENNETT for sending through the mails her pamphlet, "The Sex Side of Life."

Reversal by Ohio Court of Appeals of five convictions under the criminal syndicalism law.

Decision of an Ohio judge holding the criminal syndicalism law unconstitutional.

The admission to citizenship of several religious objectors to taking part in war, despite the U. S. Supreme Court decision in the Schwimmer case.

Reinstatement of ELMER SMITH, disbarred in Washington for his defense of the Centralia I.W.W. victims.

Release of LOREN ROBERTS, Centralia prisoner, as sane, by a new jury.

The release from an insane asylum in New Jersey of an anti-Fascist railroader for his views.

Reversal by a California appeals Court of the conviction of one Communist sentenced under the criminal syndicalism law and reduction of charges against four others.

REMOVED

Acquittal of two Communists brought to trial under the criminal syndicalism law in Portland, Oregon.

Opinion of the Alabama Court of Appeals that atheists have the right to testify as witnesses.

Laws

Collapse of the recommendations of the Fish Committee investigating Communism in the face of almost unanimous opposition of the press and leaders of public opinion.

Requirement by Congress of jury trials for all imported books held up by the Customs Bureau as obscene or seditious.

Repeal by the Senate of the Post Office censorship section of the wartime espionage act (failed in the House).

Defeat in Congress of the proposal to register all aliens.

Report to Congress of an anti-injunction bill; introduction of similar bills in 14 legislatures; passage in Pennsylvania of an anti-injunction bill and bill providing jury trials for contempt; and in four states bills outlawing "yellow-dog" contracts.

Administrative

The report of the President's commission on withdrawal from Haiti.

Successful campaign to set aside the deportation order against MARCUS GRAHAM, rebel poet.

Improved treatment of Communist demonstrations by mayors and police, notably in Detroit and Cincinnati.

Resignation of GROVER WHALEN, anti-red crusader, as Police Commissioner of New York.

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SET-BACKS

In the Courts

U. S. Supreme Court decision barring alien pacifists from citizenship.

Bail-jumping of the Gastonia, N. C., strike-leaders convicted of conspiracy to commit murder, and the consequent loss of almost \$40,000 in bail money, with disastrous effect on raising bail in Communist cases.

The failure of every action brought in North Carolina against mob leaders and officials charged with murder and assault on strikers.

The conviction of nine workers in the Imperial Valley, California, merely for strike propaganda, some with the longest sentences, 3 to 42 years, ever imposed for such activities.

Suppression of strikers' rights by injunctions and prosecutions in Nazareth, Reading and Philadelphia, Pa., and Danville, Virginia.

The continued seditious prosecutions in various parts of Pennsylvania.

The conviction of Communist leaders of a demonstration in New York for unlawful assembly.

The conviction of two young women in New York State for "desecrating the American flag" because of their refusal to obey mob orders to fly one over a children's camp.

The prosecution in Atlanta, Ga., of six Communists for "inciting to rebellion" because they held meetings of Negro and white workers.

Decision of the Supreme Court of Washington sustaining the yellow-dog contracts required of Seattle school-teachers.

The outlawing of the Communist Party in the Philippines, with scores of prosecutions for sedition.

Laws

Adoption by the Arkansas voters on a referendum of a bill to compel the reading of the Bible in the public schools.

Passage in Michigan of a law compelling registration of all aliens, and deportation from the state of aliens illegally there.

Passage in four states--Washington, Michigan, Montana and Delaware, of laws requiring special oaths of loyalty from school teachers.

Passage in Delaware of a sedition bill.

Administrative

The creation and work of the Congressional Committee to investigate Communism, headed by HAMILTON FISH, JR., leaving in its trail intolerance and repression all over the country.

Great increase during 1930 in the number of petty cases brought by the police against Communists for holding public demonstrations.

Renewal of the deportation drive against aliens, and refusal of the Department of Labor to permit Communist aliens to seek refuge in Soviet Russia from persecution in their home lands.

The decisions of the California Supreme Court denying a pardon recommendation for WARREN K. BILLINGS; Governor YOUNG'S refusal to pardon TOM MOONEY.

The failure of the Governor of Washington to pardon the Centralia I.W.W. victims.

The unpunished killing in New York by the police of two Communist workers, STEVE KATOVIS, and GONZALO GONZALES, one, a strike picket, the other, leader of a parade.

The Post Office ban on Revolutionary Age and other radical papers, and the decision of the federal courts sustaining it.

The dismissal of Prof. HERBERT A. MILLER by the trustees of Ohio State University for his views on public issues.

Attempts to revoke the license of WEVD, Socialist radio station, and attacks upon other radio stations voicing unpopular views.

The biggest lynching record in 1930 for 5 years; 25 Negroes lynched.

Under "Court Decisions" the pamphlet states that in the only conviction under the Anti-Red Flag Laws in effect in 28 states, a case carried up from California to the Supreme Court resulted in the Defendant, YETTA STROMBERG, being freed. The decision, according to the pamphlet, knocked out a clause in the law forbidding display of a Red flag as a symbol of opposition to organized government.

In referring to lower Federal court decisions, the pamphlet states on page 11 that two favorable decisions were handed down by the Court of Appeals in New York. One reversed the conviction of MRS. MARY WARE DENNETT for sending through the mails her pamphlet "The Sex Side of Life"; the other decision removed the post office ban on Mooney Defense Committee envelopes which were held to defame the state of California. The pamphlet adds that both of these cases were carried up and appealed by the Civil Liberties Union.

Continuing, the pamphlet states that in state courts the only decisions of any consequence affecting Civil Liberties were:

The Washington Supreme Court upheld the Board of Education of Seattle in requiring from teachers contracts agreeing not to join a union.

The Court of Appeals in Ohio reversed the convictions under the criminal syndicalism law of five Communists for distributing anti-war leaflets.

In California a Court of Appeals reversed one conviction of a Communist sentences to 3 to 42 years under the criminal syndicalism law because he was shown not to have been at the scene of the agitation; charges against five others were reduced. Two others await deportation.

In several states the issue of the right of atheists to testify came up in court proceedings involving Communists. One case in New Jersey is being appealed by the Civil Liberties Union to test that right in the higher courts.

In commenting on laws before the Congress, the pamphlet states on page 12 that efforts of friends of Civil Liberties to pass these other bills failed:

- To admit alien pacifists to citizenship;

- To restore rights of citizenship to war-time offenders;

- To abolish Post Office censorship over birth-control information in the mails; and

- To repeal the one remaining section of the war-time espionage act, under which the Post Office censors "seditious matter." It succeeded in the Senate, but failed to get to a vote in the House.

The Senate declined to act on the anti-injunction bill reported out of the Senate Judiciary Committee, backed by organized labor.

Bills to register all aliens in the country, long urged by patriotic societies, were defeated by hard work.

Of the 41 state legislatures meeting in 1931, civil liberties issues arose in some 20, involving notably passage or repeal of sedition and criminal syndicalism laws, anti-injunction bills, teachers' loyalty oaths and creation of state police systems. Vigorous campaigns were waged on a program of bills in Massachusetts and Pennsylvania.

The net results were:

The passage in Pennsylvania of bills limiting the power of courts to issue labor injunctions and requiring jury trials for violations; also a bill to end the evil of strike-breakers as deputy sheriffs by requiring one year's residence and ten years good record for all sheriffs' deputies.

Failure in Massachusetts by a narrow margin of a bill to set aside free speech forums in public parks, particularly directed to removing the restrictions on Boston Common.

Failure of bills to abolish the Boston theatre censorship and to repeal the ancient blasphemy law.

In four states "yellow-dog" contracts were outlawed--Arizona, Colorado, Ohio, and Oregon. A bill passed in Indiana was vetoed by the governor.

Under the influence of the D.A.R. and other patriotic societies, Washington, Michigan, Montana, and Delaware passed bills requiring special oaths of loyalty from teachers.

And in Michigan a unique bill to register all aliens slipped through the legislature unheralded, backed by professional patriots and labor spies.

In North Carolina and Alabama proposed criminal syndicalism laws aimed at Communists failed. A campaign to repeal the Ohio sedition law came to nothing after gaining considerable headway.

Under the caption of Political Prisoners, the pamphlet states in part: "The number of persons serving prison terms of one or more years by political or industrial propaganda continues low. Aside from the old cases of MOONEY and BILLINGS and the Centralia I.W.W. men, only 13 more have been imprisoned during the past year serving sentences of a year or over. There are the Imperial Valley Defenders under the California syndicalism law whose cases are on appeal, and 5 Communists in Pennsylvania. In all these new cases every prisoner is a Communist. Even those who served short terms during the year were all Communists.

On page 14, the pamphlet states in part:

In Pennsylvania three men are serving five year sentences for membership in the Communist Party; two young men were convicted at Media. One is out on parole and the other is serving an indeterminate sentence. A movement to secure pardons from Governor PINCHOT'S pardon board is being organized.

In California eight strike organizers in the Imperial Valley, most of them Communists, were convicted under the criminal syndicalism law and sentenced to terms of two to forty-two years. Conviction turned on their Communist propaganda. Although appeal was taken, the men were refused bail and went to prison. The Court of Appeals has freed one man and reduced the charges on all others. Further appeal will be taken.

In New York, center of Communist agitation, WILLIAM Z. FOSTER, ROBERT MINOR, and three associates, served terms of four to six months for leading an unemployment demonstration held to be an unlawful assembly. Two young women who ran a Communist children's summer camp at Van Etten, N. Y., were convicted of desecrating the flag by refusing to run one up on the order of a mob, and served prison terms of three months after the Court of Appeals affirmed the convictions.

The youngest political prisoner ever held in the United States, HARRY EISMAN, 15-year-old New York school boy, was sent to the reformatory for attending a Communist demonstration while he was out on parole on an earlier charge of disorderly conduct. He was finally released to permit him to go to Soviet Russia.

Under the caption "Criminal Cases" the pamphlet states on page 15:

CRIMINAL CASES

Most of the prosecutions involving freedom of speech and the right of workers to organize strikes and to picket were aimed at Communists and left-wing trade unionists. In coal and textile districts numerous strikers were prosecuted for various offenses on the picket line or for vio-

lating injunctions. A complete record of the scores of petty cases would be too lengthy. Chief among them were:

COMMUNIST CASES

The conviction of five young women at a children's summer camp in Southern California for displaying a red flag. The courts finally reversed the conviction.

The conviction of five Communists in Ohio for distributing anti-war leaflets; reversed on appeal.

Conviction of WILLIAM Z. FOSTER, ROBERT MINOR, ISRAEL AMTER, and two others at New York for leading an unemployment demonstration; sentences of four to six months served.

The indictment at Atlanta of six Communists under an ancient law for "inciting Negroes to rebellion" by holding meetings at which Negroes and whites mingled on terms of social equality; not yet brought on trial.

Conviction of three Communists, in Newark for sedition. The defendants were put on probation. One case has been appealed to test the right of atheists to testify.

The prosecution of five Communists at Scranton, Pa., under the sedition act; not yet tried.

Prosecution of two Communists at Birmingham, Ala., for attempting to hold meetings.

Conviction of two young women at Van Etten, N. Y., for desecrating the American flag; sentences of three months served.

Prosecution of 13 Communists at Portland Ore., under the criminal syndicalism law for membership in the Party; one sentenced to two to ten years; appealed; two acquitted; others not yet tried.

The conviction of eleven agricultural workers in the Imperial Valley, Cal., for organizing an abortive strike; two of these were admitted to probation under suspended

sentences; a third was convicted and sentenced to prison but was allowed to depart to Mexico after serving part of his sentence. Of the remaining eight, three are serving sentences of from two to 25 years and five of them 3 to 42 years. Further appeal to be taken.

Under the caption of "Official Lawlessness" the pamphlet states in part:

One of the toughest jobs confronting the representatives of civil liberties is to get any redress whatever for victims of official lawlessness.

Conspicuous among these actions was a demand on the Secretary of Labor for the discipline and removal of Charles G. Wood, red-baiting agent of the Bureau of Conciliation, who used his position to break left-wing strikes and to void contracts with left-wing unions, identifying his activities with professional patriotic societies. He also sought to secure revocation of the citizenship of ELLEN DAWSON, left-wing strike leader. For this he was scored by Federal Judge CLARK in Newark. The Department of Labor disavowed certain of his activities, but he continued them "personally."

Complaint was filed in New York in the Supreme Court against the refusal of Chief Justice McADOO of the Magistrate's Court to fix bail in the case of WILLIAM Z. FOSTER and other held for unlawful assembly. The complaint was dismissed, one justice, however, rendering a critical opinion.

Prosecutions were brought through the Union in North Carolina against a number of men identified as the slayers of ELLA MAY WIGGINS, Gastonia strike-leader shot down in broad day-light on the main highway. They were acquitted. Civil actions were filed for heavy damages by the Union, acting for her "estate." When brought to trial, certain witnesses could not be found. The suit has been continued.

The attempt to bring to justice the deputy sheriffs who killed six strikers and wounded twenty more at Marion, N. C., in the 1929 cotton mill strike, resulted in a complete white-wash. The Civil Liberties Union financed the prosecution,

which cost over three thousand dollars, in an effort to restrain by the example of conviction the easy resort to violence against strikers in the South. Tried in a remote mountain town, they were acquitted by a jury of small business men on their plea of self-defense, although none had been injured. Civil actions for heavy damages against the sheriffs, and mill officials were then filed through the Civil Liberties Union and are still pending.

In Michigan our Detroit group filed suits for damages against Judge BLACK of Flint for refusing to hear applications for writs of habeas corpus. The suits, thrown out of court because the judge was served in Detroit outside his jurisdiction, have been refiled.

In New York efforts were made to file complaint in the Supreme Court against Magistrate SABBATINO, who from the bench threatened to whip a Communist boy brought before him. On account of the unwillingness of witnesses to testify and in the absence of a stenographic record, nothing came of it.

In Nazareth, Pa., where the Rev. CHARLES WEBBER was unlawfully arrested while endeavoring to secure strikers' rights, a suit was filed for damages against the country detective responsible for his arrest and incarceration. It is still pending.

Following the violent police attack on the unemployment demonstration in New York City on March 6, 1930, the Union demanded of the Mayor and then of the Governor the removal of Police Commissioner WHALEN, responsible for a long series of lawless raids, searches, and police attacks on Communist demonstrations. Neither the Mayor nor Governor took action, but MR. WHALEN shortly thereafter resigned.

Frequent complaint was made to MR. WHALEN concerning the conduct of his men toward Communist meetings, all without result. His successor, Police Commissioner MULROONEY, listened more sympathetically and ordered one investigation for police excesses. The officers charged were white-washed.

In Colorado an old suit for damages on behalf of the families of six miners killed by state officials at the Columbine

mine in the 1928 strike dragged on in the courts without as yet final result.

In a number of flagrant cases of lawlessness by officials we have been unable to bring any action because of the refusal of the aggrieved parties or of witnesses to testify. The Communist Party, whose members are the most frequent victims of these attacks, refuses to encourage such actions on the very practical ground that nothing is gained from them, and that they encourage the notion among workers that justice may be secured for them in capitalist courts. The Party, however, permits local or affiliated organizations to make exceptions to this general rule when some specific object may be obtained by putting officials on the defensive.

Under the caption of "Strikes" the pamphlet states in part as follows:

The Union assisted strikers in fights for their rights to picket at Danville, Va., Nazareth and Reading, Pa. These strikes took place in hosiery and textile industries. Troops were called out in Danville; state police were sent into the outskirts of Reading. Injunctions were issued in two of the three strikes. In Nazareth, where the Fellowship of Reconciliation tried to bring about a settlement and the right of strikers to picket, the Union had to defend the Fellowship's agent, Rev. CHARLES C. WEBBER, arrested for picketing.

A spectacular fight against an injunction in New York City protecting the Zelgreen Cafeteria from picketing was made by the Trade Union Unity League. Mass demonstrations resulted in mass arrests.

All the strikes were lost, largely through the repressive measures of courts and police.

Under the caption of "The Police" the pamphlet states that the chief interferences by city police with Civil Rights affect radical meetings and strikers picket lines:

The Pamphlet states;

The most conspicuous offender among police depart-

which cost over three thousand dollars, in an effort to restrain by the example of conviction the easy resort to violence against strikers in the South. Tried in a remote mountain town, they were acquitted by a jury of small business men on their plea of self-defense, although none had been injured. Civil actions for heavy damages against the sheriffs, and mill officials were then filed through the Civil Liberties Union and are still pending.

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police headquarters for the location of the Communist party office. Suspected of being a Communist he was clamped into a cell and held incommunicado until a newspaper notice brought help from friends and a lawyer. MR. FULLER is bringing a damage suit through the Civil Liberties Union against the Memphis, Tennessee police.

In two cities conditions improved greatly--Detroit and Cincinnati. In Detroit the election of liberal minded FRANK MURPHY as mayor reversed completely the policy of police repression. Meetings of all sorts have been held since without interference and without disorder. Indeed, the mayor backed by our Detroit Civil Liberties Committee has secured the establishment of a free speech forum in a downtown park opened to all comers without permit to be graced by a rostrum dedicated to free speech.

In Cincinnati, City Manager C. A. DYKSTRA, has adopted a similar common-sense attitude. a policeman who attacked and broke up a Communist meeting was dismissed, and a meeting place owned by the city was set aside for gatherings under any auspices.

Following the strike in Gastonia in 1929 and the refusal of authorities to allow any meetings of workers to discuss trade unionism, we endeavored to arrange a free speech test meeting. Our representative who went into Gastonia, was forcibly run out of town. Lack of backing in North Carolina and the weakness of the union movement both made impossible carrying out our purpose.

Under the caption of injunctions on page 21 of the pamphlet the following is stated:

INJUNCTIONS

The first organized national campaign for legislative relief from the abuses of injunctions was undertaken during 1930 by the Civil Liberties Union in forming the National Committee on Labor injunctions, headed by former federal judge CHARLES F. AMIDON. An appropriation was secured from the Garland Fund; a young lawyer was engaged as secretary; a committee of lawyers in New York directed the work.

The campaign supported the federal bill reported to the Senate, which did not come to vote, and the introduction of bills in 14 legislatures. A model bill prepared for the committee was the basis of all these bills. Net results to June:

Pennsylvania passed bills restricting issuances of injunctions and requiring jury trials for contempt, both backed by Gov. PINCHOT. The Wisconsin Senate adopted a thorough-going measure advocated by GOV. LAFOLLETTE, with assurances that the House would pass it. In Massachusetts the Supreme Court held the bill unconstitutional.

In other states the bill either came to vote and was defeated, or did not get out of committee. But a real start toward ultimate relief was made in them for the first time. Several states, inspired by the Senate fight on the nomination of Judge PARKER, outlawed "yellow-dog" contracts.

Wherever serious strikes took place, the injunction continued to be used as the principal weapon of the employers. Sweeping injunctions were issued in hosiery and textile strikes in Philadelphia and in Danville, Va., in clothing and food-workers strikes in New York City, and in Illinois among the coal miners.

Under the caption of Aliens the pamphlet states in part as follows:

The civil liberties issues affecting aliens cover refusal or revocation of citizenship, registration, deportation and exclusion of immigrants for their views.

The Department of Labor under the Hoover Administration has drawn the lines tighter at all points. The department's scheme to register all aliens failed again in Congress. But efforts to round up aliens thought to be illegally in the country and to deport them were resumed in the early months of 1931. Such wholesale raids had been abandoned for ten years. Even so, comparatively few aliens have been deported for their opinions.

Several Communist cases have been taken into court where they are pending; not to contest deportation, but to

determine the right of the Department of Labor to send them back to countries where death or prosecution faces them. Two cases are pending in the federal courts at New York--GUIDO SERIO, Italian anti-Fascist, and T. H. LI, Chinese student of engineering. The case of a Japanese worker, S. KENOTSU, is in the federal courts at San Francisco.

A deportation order against MARCUS GRAHAM, author of an "Anthology of Revolutionary Poetry," resident in the United States for twenty-five years, was withdrawn when the Labor Department was flooded with protests.

Only one case of threatened exclusion for opinions attracted public notice, that of MISS ELSA HEWITT, daughter of a former member of the British Parliament, arriving to teach in a labor school. Immigration officials, thinking that she might be a Communist, held her, later releasing her.

Count MICHAEL KAROLYI, long excluded by the State Department for reasons never revealed, was finally admitted without restrictions.

Citizenship for alien pacifists continues to be an acute issue, with cases pending in the courts involving Professor DOUGLAS C. MACINTOSH of Yale and Miss MARIE A. BLAND, New York nurse. Denied citizenship by the lower court they were both admitted by the Court of Appeals in New York. On appeal by the government to the Supreme Court, citizenship was denied by a 5 to 4 decision. The court sustained its general position in denying citizenship to Mme. ROSIKA SCHWIMMER in 1929.

Under the caption of Censorship, the pamphlet announces the formation of a National Counsel on Freedom From Censorship. The pamphlet states that this committee is independent of the Union but using its facilities. Professor HATCHER HUGHES of Columbia University was Chairman, and FANNIE HURST, ELMER RICE, and BARRETT CLARK were named as vice chairmen.

Among cases received and handled by the Union involving legal censorship, the pamphlet mentioned:

- (1) The Post Office ban on the envelopes of the

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Mooney Molders Defense Committee, held to defame the state of California by phrases demanding justice and scoring the officials. The federal Court of Appeals in New York, to which the Civil Liberties Union took the issue, reversed the Post Office ruling, and admitted the envelopes to the mails.

(2) The barring of certain issues of the Revolutionary Age, organ of a Communist faction, on the ground that they advocated revolutionary doctrines prohibited by the war time espionage act, still in force. The federal courts in New York in which the Union sought to reverse the order, sustained it. Appeal will be taken to the Supreme Court. Six more radical papers have since had second-class mailing privileges either denied or revoked.

(3) Under the recent provision adopted by Congress requiring jury trials in federal courts for foreign books seized by customs officials as obscene or seditious, three significant cases have arisen, one in Seattle and two in New York. In Seattle, a jury cleared "The Sexual Life in its Biological Significance" by Dr. JOHANNES RUTGERS of Holland. A judge in New York admitted a volume long popular in England but barred from the United States, "Married Love" by Dr. MARIE STOPES. A third case, against an anarchist publication, "Anarchy" by ENRICO MALATESTA, long admitted freely but recently banned, was dropped by the government when the Union contested it. The Customs Bureau has admitted a number of books previously on its index. The tendency of the amendment has been to liberalize the entry of foreign books.

Prosecutions against books, notably in New York, resulted in acquittals in court. But in Boston, today's hub of censorship, the Supreme Court sustained the conviction against Theodore Dreiser's "An American Tragedy."

In New York a campaign developed for state censorship of the theatre. It was fought by dramatists, actors, and the Union. The theatrical profession succeeded in beating the proposal and in getting the legislature to free actors and stage-hands from prosecutions for obscene plays. Producers alone will be responsible.

Attempts to revoke the licenses of certain small radio stations engaged in propagandizing for reform came before the

Federal Radio Commission from Los Angeles, Detroit, and New York. All have so far been unsuccessful.

Under the heading of "Academic Freedom" the pamphlet states in part on page 27:

We kept up our search for a teacher willing to make a test of the anti-evolution law in anyone of these states with that legislation--Tennessee, Mississippi and Arkansas. Circular letters and public offers of legal service brought interested letters of inquiry, but nobody was willing to make the sacrifice. . . .

Bible reading in the New York public schools under the authority of a charter provision was brought before the courts in a suit started by the Free Thinkers Society with ARTHUR GARFIELD HAYS as attorney. An attorney for Jewish organizations as well as the Union supported the suit on the ground that Bible-reading constitutes sectarian instruction in violation of the constitution. The Appellate Division, without opinion, unanimously sustained the decision of the Supreme Court Justice FORD refusing the injunction. Appeal will be taken.

Under the caption of "Getting Out of Haiti" the pamphlet states:

The appointment by President HOOVER of a commission to investigate conditions in Haiti with a view to withdrawal of the American Occupation brought from the Union a public appeal for unrestricted freedom of expression by Haitians. Members of the Commission were approached; the facts of censorship in Haiti were presented. The censorship was lifted.

Although the Commission's report pointed the way to withdrawing the Occupation, little was done by the Administration to replace American officials by Haitians. The Union then is an open letter urged the government to carry out its announced plan. The Union's appeal, widely reported in the press and backed editorially, may have had some influence on Secretary STIMSON'S recent announcement, speeding up withdrawal.

Under the caption "Trouble in the Philippines", the pamphlet states:

No territory under the jurisdiction of the United States is alien to our work. From far-away Philippines came during the early months of 1931 a series of dispatches indicating growing suppression of the Communist movement among the peasants and workers. This suppression culminated in late May with the arrest of over 300 natives for sedition under a drastic act passed in 1907. The Philippine Communist Party was declared illegal, its meetings broken up and places on the ballot denied to its candidates. It is the only area under the jurisdiction of the United States where the Party is treated as an illegal conspiracy.

The Union has offered its services in the United States to help the defense by raising funds, an offer accepted by the leaders of the Philippine Party. Arrangements for aid are in the hands of a member of the Union at the Philippine Academy of Social Sciences.

In commenting on "Civil Rights for American Indians", the pamphlet states on page 28:

On appeal for many friends of the Indians, the Union formed a committee on Indians Civil Rights headed by NATHAN MARGOLD, New York lawyer, who had volunteered his services in carrying through the courts important litigations affecting Indians. . . . The Committee will confine itself exclusively to freeing Indians to conduct whatever propaganda they like for their own betterment and for the protection of their culture and property.

In commenting on so-called Professional Patriots, the pamphlet states that:

The organized effort to entrench the intolerance of all progressive movements was greatly stimulated during the past year by the activities of the Fish Committee backed as they were throughout the country by the professional patriots--notably the National Civic Federation, the American Legion, the Daughters of the American Revolution, the Better America Federation in Los Angeles, and the American Vigilant Intelligence Federation in Chicago.

In commenting on the American Legion, the pamphlet states in part on page 30:

In Ohio they succeeded in defeating the repeal of the Criminal Syndicalism law, which had been favorably presented to the legislature; in other states they either put through or defeated legislation affecting civil liberties or induced the police to break up meetings.

Under the caption of "The Issues Pending" as of June, 1931, the pamphlet records the following:

(1) In the courts on appeal:

1. Test of the Post Office ban on Revolutionary Age and other radical papers.
2. Test in the federal courts in Michigan of the alien registration law.
3. Test case in Newark, N. J., of the right of atheists to testify.
4. Appeal in the federal courts at New York of the Department of Labor's refusal to permit deported Communists to go to Soviet Russia.
5. Further appeal of the conviction of the Imperial Valley strikers in California.
6. Further appeal of the New York City test case on Bible-reading in public schools.

(2) Awaiting trial in the courts:

A. Defense cases:

1. Indictment of three National Textile Union organizers in Lawrence, Mass. "for conspiracy to destroy the business of the American Woolen Company."
2. Indictment of coal miners in Pennsylvania, Ohio and Kentucky under sedition and criminal syndicalism laws.

3. Indictment of six Communist organizers in Atlanta, Georgia, charged with inciting insurrection.

B. Damage suits:

1. Damage suits on behalf of the families of men killed at the Columbine mines, Colorado, in the coal strike of 1928.

2. Libel suits against HARRY A. JUNG, professional patriot, Chicago, on behalf of JOHN HAYNES HOLMES and KARL BORDERS.

(3) In Congress:

1. Bill to restrict powers of federal courts to issue labor injunctions..

2. Repeal of the Post Office censorship section of the war-time espionage act; and repeal of other Post Office censorship powers over "obscenity" and birth control information.

3. Amendment to immigration law to admit alien political refugees.

4. Efforts to defeat the registration of aliens.

5. Efforts to defeat the bill preparing for a universal draft in time of war.

6. Efforts to amend the naturalization law to permit admission of alien war objectors who refuse to promise to bear arms.

7. Resolution calling on the President to restore rights of citizenship to those convicted under the Espionage Act.

(4) Political prisoners:

1. Campaign for the release of Mooney and Billings.

2. Efforts for the release of the Centralia I.W.W. prisoners.

3. Restoration of the rights of citizenship by Presidential proclamation to 1500 persons convicted under the Espionage Act.
 4. Pardon of the four men serving sentences under the Pennsylvania sedition act.
- (5) State legislation:
1. A general campaign in Pennsylvania under the auspices of a state committee to repeal the sedition act, take the state police out of strikes, abolish the coal and iron police, and to force the incorporation of closed company towns.
 2. Campaign in Massachusetts to abolish the censorship, especially in Boston, over meetings in licensed halls and parks and over theatres,--under auspices of the Massachusetts Civil Liberties Committee.
 3. Continuation of the campaign in legislatures to restrict labor injunctions.
 4. Campaigns in the state legislatures against censorship of movies, the stage, and books.

The pamphlet states that 11 new members were elected to the National Committee during the year making a total of 79 members. The new members were:

SHERWOOD EDDY, former Y.M.C.A. international secretary, New York City; JOHN FINERTY, attorney, Washington, D. C.; POWERS HAPGOOD, former miners' organizer, Indianapolis; THOMAS HARDWICK, former U. S. senator, Albany, Georgia; JOHN ALAPP, professor, Racine, Wis.; WILLIAM L. NUMN, of the faculty of New York University; AMOS PINCHOT, lawyer, New York City; ANNA ROCHESTER, New York City; ELBERT RUSSEL, Dean Duke University, N. C.; WILLIAM SCARLETT, Episcopal Bishop, St. Louis, Missouri; MILLIE R. TRUEBULL, member Oregon Industrial Welfare Commission, Portland, Ore.

According to the pamphlet the terms of two members of the National Committee expired, namely, DR. JOHN LOVEJOY ELLIOTT and MISS HELEN KELLER, both of New York. The pamphlet

also adds that WILLIAM Z. FOSTER, member of the Committee since the Union's establishment in 1920 resigned in 1930 in protest against the Union's condemnation of the Gastonia defendants who jumped their bail. More will be said about the Gastonia incident later in the report.

The pamphlet states that the officers of the Union remain unchanged with the exception of the Washington representative, C. S. SPEAR, who resigned because of removal from Washington. His place was taken by an attorney named EDMUND D. CAMPBELL.

The board of directors according to the pamphlet, who meet weekly and are in active charge of the Union's affairs was composed of:

BEULAH AMIDON, FORREST BAILEY, ROGER N. BALDWIN, DR. HARRY ELLER BARNES, ROBERT W. DANK, MORRIS L. ERIST, WALTER FRANK, ARTHUR GARFIELD HAYS, ROBERT C. HEPPING, REV. JOHN HAYNES HOLMES, BEN W. HUERSCH, DOROTHY KENYON, HENRY R. LINVILLE, LUCILLE B. MILNER, WILLIAM L. NUHN, FRANK L. PALMER, AMOS R. PINCHOT, ELIOT PRATT, ROGER WILLIAM RIIS, ANNA ROCHESTER, JOSEPH SCHLOSSBERG, REV. WILLIAM B. SPOFFORD, and DR. HENRY F. WARD.

Under the caption of "Local Committees", the pamphlet states on page 33:

Thanks to an appropriation from the Garland Fund for special work in areas throughout the country where civil liberties' issues are most acute, the Union was able to put secretaries on the job in New England, the Chicago district, and in the South.

In New England the work centered around a legislative campaign to remove the censorship of theatres and public meetings, and aid to secure strikers' rights in Lawrence and Fall River. ROBERT BAKEMAN, former mayor of Peabody, Mass., was employed to handle the work, assisted during the legislative session by MISS WILDER GUTTERSON, employed by the Massachusetts Civil Liberties Committee. MR. BAKEMAN represented both that Committee and the national office. The arrangement was terminated in May, 1931, to be resumed for the campaign in the next legislature, and meanwhile as emergencies require.

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In the Chicago district, the Chicago Civil Liberties Committee, headed by ARTHUR FISHER, engaged FRANK L. PALMER as secretary. The work centered on combating the police persecution of Communists, revived in Chicago for the first time in some years, beginning with raids preceding an unemployment demonstration in March, 1930. Police repression in Kenosha, Wis., the Illinois mining districts, and Chicago suburban towns, was also fought. MR. PALMER was succeeded by LLOYD LEHMAN, Chicago attorney. As in New England, the arrangement was terminated in May, to be resumed as emergencies require.

In the South, where strikes and Communist agitation have aroused violent repression, WALTER WILSON represented the Union in organizing committees to oppose prosecutions in Atlanta and Birmingham, and aided in the prosecution of lawless officials in North Carolina. MR. WILSON ended his work toward the close of 1930. Since then the Union has sent MISS HOLLACE RANSDELL into the South for special work in connection with prosecutions in Tennessee and Alabama.

In the Newark district, where some sixty prosecutions were brought against Communists for street meetings and distributing circulars in the summer of 1930, an attempt to organize a local committee brought little response, but the representative of the Union organized protest meetings and aided in the defense.

Three other centers in the country conduct strong local work for civil liberties--Detroit, Pennsylvania, and Southern California.

In Detroit services are entirely voluntary. The committee, under the leadership of MISS CAROLINE PARKER, chairman, with the encouragement of liberal-minded Mayor MURPHY, has succeeded in completely eliminating the police repression for which Detroit was notorious. Among the committee's achievements have been the establishment of a municipal forum in a downtown park, sponsored by the mayor, and approved by the city council; and the filing of suits against a circuit judge in Flint who, during a strike of automobile workers in the summer of 1930, refused to hear applications for a writ of habeas corpus.

In Pennsylvania the state-wide committee employed

a secretary, financing the job by local contributions with some help from the Garland Fund and the national office. The work has covered a wide range in a state burdened by more police forces devoted to repressing working class movements than any state in the Union, and by sedition prosecutions more constant and widespread than elsewhere in the country. A legislative program was adopted, bills framed, and introduced. Governor PINCHOT supported several of the Committee's proposals, although he compromised on the total abolition of the coal and iron police, privately-paid agents of the companies. The committee succeeded in getting through the legislature bills limiting injunctions, requiring jury trials for contempt, and abolishing the importation of thugs as deputy sheriffs in strikes. First aid was rendered to strikers' rights where curtailed in half a dozen industrial towns; and to the defense in sedition cases.

The state committee is headed by Rabbi PHILIP D. BOOKSTABER of Harrisburg, backed by an active group in Philadelphia employing a local secretary, and by a committee in Pittsburgh. WILLIAM GILBERT NOWELL was employed as state secretary during the early part of 1930; he was succeeded in the fall by ALLAN G. HARPER, with headquarters at Harrisburg.

In Southern California the branch of the Union has continued its work organized in 1922, publishing a weekly paper, "The Open Forum," and conducting a large Sunday night weekly forum. CLINTON J. TAFT continues as director. Energies have been chiefly directed, outside the regular features, to combating police interference with Communist meetings, (and even with a few Socialist meetings) the defense of cases in the courts; and to opposing the Board of Education's ban on Communist children.

A local committee in Cincinnati, with MRS. MARY D. BRITE as secretary, acts whenever emergencies arise. So, too, does a local committee in Baltimore, with MISS ELISABETH GILMAN as secretary.

During the year an active committee was formed in St. Louis, inspired by police collisions with Communist demonstrators. The committee, with a strong list of officers, is headed by Rev. GEORGE GIBSON, with Attorney LOUIS WILF as secretary.

In Wisconsin the arrests growing out of efforts to secure strikers' rights to hold public meetings in Kenosha resulted in the formation of a state-wide Civil Liberties Committee under the leadership of Prof. WM. G. RICE of the University of Wisconsin, with WM. L. CHAMBERS, instructor, as secretary.

The following publications were issued in 1930 by the A.C.L.U. according to the pamphlet:

Justice--North Carolina Style. The record of the year's struggle in Gastonia and Marion, April, 1929, to April, 1930.

Legal Tactics for Labor's Rights. A summary of the aggressive action set forth in the book "Don't Tread on Me," by ARTHUR GARFIELD HAYS and others.

The Scandal of Mooney and Billings. Decisions of the California Supreme Court and Governor YOUNG. All the facts up to date. National Mooney-Billings Committee.

The Right to Advocate Violence. A six-page leaflet explaining the law, the facts, and the position of the American Civil Liberties Union.

State Laws Restricting Civil Liberties. 3 maps showing laws aimed at radicals, Negroes, freedom in education.

Even Adam Had a Hearing. An eight-page primer on labor injunctions. National Committee on Labor Injunctions.

The Federal Anti-Injunction Bill. The bill, abstract, and arguments. National Committee on Labor Injunctions.

A Strike Is Criminal Syndicalism--In California. The story of the imprisonment of eight Imperial Valley strike leaders.

California Red Flag Case. The facts of the conviction of five women for displaying a red flag at a children's summer camp.

Free Pennsylvania's Political Prisoners! The story of the prosecution under the sedition law of five Communists, in which the Pennsylvania Supreme Court upheld the act.

Police Lawlessness Against Communists in New York. The facts of the unemployed demonstration of March 6, 1930, and remedies to check future police violence.

The Post Office Ban on Revolutionary Age. Case pending in U. S. courts in New York City.

Should Alien Communists be Deported for Their Opinions? By ROGER N. BALDWIN in debate with HAMILTON FISH, JR.

Citizenship for War Objectors. The facts of pending court cases raising the issue of citizenship for alien religious objectors to war; with proposal in Congress to admit such objectors to citizenship.

The Pacifist Bogey, by DOROTHY DUNBAR BROMLEY. Reprint of an article in Harper's, covering the SCHWIMMER, MACINTOSH and BLAND cases.

Scandal and Defamation! Case under the Minnesota press gag law denying right of newspapers to defame.

This is the largest pamphlet output of the Union in any similar period, necessitated by the number and diversity of the issues. Several of them were not published directly under the Union's name, but by agencies created by the Union--the National Mooney-Billings Committee and the National Committee on Labor Injunctions.

In addition we promoted the sales of the following new books and pamphlets:

Dynamite, by LOUIS ADAMIC.

Liberty, by EVERETT DEAN MARTIN.

This Land of Liberty, by Prof. ERNEST SUTHERLAND BATES.

The Frame-Up System, by VERN SMITH.

Labor Leaders Betray TOM MOONEY, Tom Mooney Molders Defense Committee.

The Centralia Case, a joint report of the Federal Council of Churches, National Catholic Welfare Conference and Central Conference of American Rabbis..

The Labor Injunction, by Prof. FELIX FRANKFURTER and NATHAN GREENE.

Who's Obscene? by MARY WARE DENNETT.

Massacre, by ROBERT GESSNER, A survey of the American Indian today, with chapters on his civil rights.

According to the pamphlet, six law. bulletins were issued during the year prepared by CAROL WEISS KING, attorney on the following subjects:

Recent court victories by aliens.

Federal court decisions involving labor injunctions.

The Communists and Labor injunctions in New York City (The Brooklyn shoe industry and Commissioner of Conciliation).

The right of employers to interfere with the union affiliations of their employees.

Labor injunctions in state courts.

Freedom of expression (Post Office censorship, "Revolutionary Age" and two "obscenity" cases).

In commenting on the Bail Fund, the pamphlet states on page 39:

Bail-jumping by the 5 men convicted at Gastonia, N. C., of conspiracy to kill the Chief of police resulted in the loss of \$28,500 to the Bail Fund and incidental losses following it with court costs totaling some \$5,000 more. These losses, of course, are borne by the American Fund, not the Civil Liberties Union.

As a result, the Union recommended to the Fund withdrawal of Bail services in Communistic cases until satisfactory arrangements for reimbursement in case of loss

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are made. Although the Bail bonds are backed in case of default by the International Labor Defense, the demands on the organization have prevented a campaign to make up the losses; \$2,000 was repaid on one bond. In the absence of any definite policy concerning Bail jumping on the part of the Communist party, and allied agencies, and in the face of inability to make good the losses, the Bail Fund is for the present closed to Party members.

Under the caption "Relation to International Labor Defense" the pamphlet states:

A change in relation to the International Labor Defense was made during the year as a result of experience in handling court cases. Previously we have gone in jointly with the International Labor Defense in conducting cases in courts where civil liberties issues were involved, particularly where a significant test case arose. On account of differences in policy between the International Labor Defense and the Union, we have now agreed to go in only where we can accept full responsibility for our handling of any given case, and thus direct the policy in court.

The International Labor Defense often insists upon stressing in court the class and economic issues involved, because it is primarily a working-class defense organization. The Civil Liberties Union on the other hand has no interest in these issues and often finds their injection into a case detrimental to the civil liberties questions. Lawyers find it confusing under a joint arrangement to take directions from two sources. Hereafter cases will be handled at any one stage either by the International Labor Defense exclusively or by the Civil Liberties Union exclusively. Usually the original trial will be handled by the International Labor Defense; and appeals by the Civil Liberties Union when it is desired to test out issues of law.

Under finances, the pamphlet states that the Union had an income of \$23,100 for the year as against \$24,300 the previous year. In addition to this, receipts for special funds showed a total of \$17,200 from all sources. The pamphlet states that 2,750 individuals contributed to all funds for the year.

The regular contributors numbered about 2,500. MRS. MARGARET DE SILVER again was the largest single contributor continuing her husband's generous gift of \$1,200 a year.

Reference was made to an increase in expenditures for operations by reason of a \$2,400 addition to the executive salaries necessitated by paying ROGER BALDWIN'S salary out of the regular budget instead of from the special Fund.

An analysis of the special funds shown on the books of the A.C.L.U. as disclosed by the financial statement set forth in the pamphlet beginning page 42 reports that \$625.85 was expended for defense of cases and suits against lawless officials in both Gastonia and Marion districts as a result of the 1929 strikes.

An expenditure of \$2,611.30 was made for attorney's fees and expenses of arguing Gastonia cases in the North Carolina Supreme Court.

An expenditure of \$625.00 was made for lawyers and investigators services and witnesses' fees in the prosecutions and damage suits against the slayers of ELLA MAY WIGGINS.

The Mooney-Billings Committee Fund showed expenditures of \$529.29 for Committee expenses, clippings, telephone and telegrams, printed literature and office work.

The MARY WARE DENNETT Defense Committee Fund showed expenditures of \$283.85 for the year 1930.

The Georgia Insurrection Case Fund showed expenditures of \$1,232.68 for attorney's fees and expenses.

The California Red Flag Case Fund showed expenditures of \$800.00 for attorney's fees and expenses.

A fund designated as Undesignated Special Funds, showed expenditures for the following items:

For general work of Pennsylvania Civil Liberties Committee - - - - - \$500.00

| | |
|--|----------|
| For defense and suits against lawless officials in Pennsylvania - - - - - | \$201.98 |
| Suit against Judge BLACK, Flint, Mich., for refusal of writs of habeas corpus - - - - - | 100.00 |
| Toward attorney's fee in case of HARRY J. CANTER, Boston - - - - - | 100.00 |
| Expenses in filing libel suits against HARRY A. JUNG, Chicago - - - - - | 75.55 |
| Contesting exclusion order against ELSA HEWITT, British citizen - - - - - | 74.34 |
| Court expenses in defending desecration of the flag case, Van Etten, N. Y. - - - - - | 71.35 |
| Payment of fine of WILLIAM T. MURDOCH, strike organizer, at Danville, Va., to secure release from jail - - - - - | 60.00 |
| Court expenses and damage suits on behalf of Court expenses, Mooney envelope test case - - - - - | 60.60 |
| Court expenses, Mooney-Billings envelope test case - - - - - | 61.35 |
| Suit for false arrest on behalf of CHARLES C. WEBBER, Nazareth, Pa. - - - - - | 40.00 |
| Expenses in contesting deportation order against MARCUS GRAHAM - - - - - | 45.00 |
| Court expenses in pacifist citizenship cases - - - - - | 51.82 |
| Defense of LEON LEVYIS, arrested at Communist demonstration, New York City - - - - - | 35.30 |
| Toward proposed suit for false arrest of HAROLD KEEN, Norfolk, Va. - - - - - | 25.00 |
| Free speech test meeting at Kenosha, Wisc. - - - - - | 36.70 |
| To secure release of bail bonds, deportation cases, Philadelphia - - - - - | 20.00 |
| Investigation of police brutality at Stamford, Conn. - - - - - | 17.49 |
| For incidental expenses of defense and bail bonds - - - - - | 72.72 |

The financial statement showed loans outstanding as of January 31, 1931, to the International Labor Defense, National office and branch office at Philadelphia and Boston. Loans were also outstanding to the Pittsburgh branch of the A.C.L.U.

The pamphlet reports the following officers and directors as of date of issuance of the pamphlet:

HARRY F. WARD, Chairman; HELEN PHELPS STOKES, JAMES H. MAURER, FREDERICK OLDER, Vice-Chairmen; B. W. MEERSCH, Treasurer; ROBERT W. BALDWIN, FOREST BAILEY, Directors;

ARTHUR GARFIELD HAYS, MORRIS L. ERNST, Counsels; LUCILLE B. WILNER, Research Secretary; EDMUND D. CAMPBELL, Washington Counsel.

NATIONAL COMMITTEE

| | | |
|------------------------|----------------------|--------------------------|
| CHARLES F. AMIDON | MORRIS HILLQUIT | ANNA ROCHESTER |
| HARRY ELZER BARNES | JOHN HAYNES HOLMES | EDWARD A. ROSS |
| HERBERT S. BIGELOW | FREDERICK C. HOWE | ELBERT RUSSELL |
| EDWIN M. BORCHARD | JAMES WELDON JOHNSON | JOHN A. RYAN |
| RICHARD C. CABOT | GEORGE W. KIRCHWAY | JOHN KEVIN SAYRE |
| JOHN S. CODMAN | JOHN A. LAPP | WILLIAM SCARLETT |
| CLARENCE DARROW | JULIA C. LATHROP | JOSEPH SCHLOSSBERG |
| JOHN DEWEY | AGNES BROWN LEACH | VIDA D. SCUDPER |
| JAMES H. DILLARD | ARTHUR LESUEUR | ABBA HILLIL SILVER |
| ROBERT W. DUNN | HENRY R. LINVILLE | JOHN P. SINCLAIR |
| SHERWOOD EDDY | ROBERT MORSE LOVETT | CLARENCE R. SKINNER |
| ELIZ. GLENDOWER EVANS | MARY E. McDOWELL | NORMAN M. THOMAS |
| JOHN F. FINERTY | ANNE MARTIN | EDWARD D. TITTMANN |
| ELIZABETH GURLEY FLYNN | ALEXANDER MEIKLEJOHN | ALBERT M. TODD |
| WALTER FRANK | HENRY R. MUSSEY | WILLIE R. TRUMBULL |
| FELIX FRANKFURTER | A. J. MUSTE | WILLIAM S. U'REN |
| ERNST FREUND | WALTER NELLIS | OSWALD GARNISON VILLARD |
| KATE CRANE GARTZ | WILLIAM L. NUINN | B. CHARNEY VLADICK |
| NORMAN HAPGOOD | JULIA S. O'CONNOR | PARKER-DAVID WALLERSTEIN |
| POWERS HAPGOOD | WILLIAM PICKENS | GEORGE P. WEST |
| THOMAS W. HARDWICK | AMOS PINCHOT | PETER WITT |
| HUBERT C. HERRING | JEANNETTE RANKIN | L. ROLLINGSWORTH WOOD |

The following material is taken from a letter addressed "To our Friends" dated November, 1930, on a letter-head of the American Civil Liberties Union under the printed signature of HARRY F. WARD, Chairman; ROGER W. BALDWIN, FOREST BAILEY, Directors; and B. W. KUEBSCH, Treasurer.

In commenting on the defendants in the Gastonia, North Carolina, case who jumped their bail bond furnished through the A.C.L.U., the letter sets forth the future policy in relation to furnishing bail for Communists as follows:

For two years the Union has administered a bail fund established by the American Fund for Public Service (the

"GARLAND" Fund. The Union's office passes on all applications and has authorized all bail. The Fund puts up either collateral with a surety company or cash bail.

In the Gastonia, N. C., case involving seven defendants convicted of conspiracy to kill the chief of police, the Union authorized bail for five of the men. Our interest in the case was due to the fact that the trial in substance involved the anti-religious and radical views of the defendants. We participated in the appeal to the Supreme Court of North Carolina, employing ex-Senator THOMAS W. HARDWICK of Georgia to argue it.

Before the North Carolina Supreme Court handed down its decision in August, five of the seven defendants left the United States.

They were first heard from in Germany and later in Russia. Several of them intended to return and requested that money be sent for their passage. They failed to show up. Reports indicate that they are still in Russia. In fairness to the Communist Party, it should be said that neither the Party nor the International Labor Defense had any part whatever in the bail-jumping of these men and did what they could to prevent it.

The bail in all these cases was declared forfeited. The total losses were \$37,500; \$328,500 to the American Fund and \$9,000 to the International Labor Defense. The Civil Liberties Union suffered no loss.

In the face of this situation, the Board of Directors of the Civil Liberties Union has declined to authorize further bail in Communist cases until satisfactory guarantees against bail-jumping are provided by the Communist movement.

The resolution of the board follows:

In view of the forfeiture of bail in the Gastonia, N. C., cases and in the case against FRED E. BEAL in Michigan due to bail-jumping by the defendants, the Board of Directors of the American Civil Liberties Union hereby resolves to discontinue writing and recommending the writing of bail for members of the Communist Party.

The primary reason for this action is the almost insuperable difficulties which the flight of these defendants has placed in the way of securing funds and legal defense for free speech cases involving radical propaganda.

Therefore this policy is to remain in effect until the Communist authorities make it clear under adequate guarantees that they will not support or tolerate bail-jumping.

This action in no way alters the policy and practice of this organization in defending the rights of all persons, irrespective of party membership."

The letter adds that the trustees of the Garland Fund took the same view and have declined to allow the Bail Fund to be used further in Communistic cases until guarantees against further bail-jumping are made.

The letter further states:

The only pronouncements which have come from the Communist Party or the International Labor Defense since the Gastonia men left have been general statements that the defense organization and the Communist Party do not "advise or advocate bail-jumping." There has been no condemnation of bail-jumping or any declaration on the use of Party discipline to prevent it. Editorial pronouncements in the Daily Worker, organ of the Communist Party, justified the "escape of the Gastonia defendants" and of defendants confronted by similar brutal and unjustified sentences. The International Labor Defense is making an effort to repay the forfeited bail, which they had guaranteed.

As a result of the action of the Civil Liberties Union in refusing further bail to Communists without guarantees against bail-jumping; WILLIAM Z. FOSTER, a member of the National Committee of the Union since 1920, has resigned. Mr. FOSTER is now secretary of the Communist Party. He unfortunately based his letter of resignation, published in the Communist press, on grotesque misrepresentations concerning the Union's

position and supported it with statements wholly unfounded in fact.

The negotiations which are still pending involve the nature of the guarantees which can be given, and the writing of bail before convictions. Our request for guarantees against future bail-jumping contemplates a declaration by the Communist Party denouncing bail-jumping without exception as contrary to the interests of working-class defense. If the Party takes such a position, it has the machinery to control those who violate its declared policy. Our request for guarantees has nothing whatever to do with the right of asylum in Soviet Russia, as charged by the Communist press.

A photographic copy of the above referred to letter is being transmitted to the Bureau designated as Exhibit No. 25.

There is also being transmitted to the Bureau, designated as Exhibit No. 26, a photographic copy of a pamphlet entitled "The American Civil Liberties Union, Incorporated" dated December, 1930. This pamphlet explains the organization of the A.C.L.U., its principal purposes, the source of its money, and who controls its policies. This material has been set forth at various places heretofore in this report and so will not be commented upon at this point. However, a copy of the pamphlet is being transmitted to the Bureau for references purposes.

In April of 1930, the A.C.L.U. issued a pamphlet entitled "Citizenship for War Objectors" which purports to set out further, the facts of pending court cases raising the issue of citizenship for alien religious objectors to war, with proposals in Congress to admit such objectors to citizenship.

This pamphlet states in part;

When the United States Supreme Court handed down in May, 1929, the decision barring Mrs. ROSINA SCHWIMMER from citizenship because of her refusal to promise to bear arms in war. It seemed that the only road left open to the admission of alien war objectors was an action of Congress.

The pamphlet goes on to cite the following cases of war objectors: (1) Professor DOUGLAS CLYDE MACINTOSH of the Yale Divinity School of Camden, whose application for American citizenship came on for final hearing in March after the decision of the SCHWEEBTER case in 1929. (2) The so-called Quaker case involving the application for final citizenship papers of MRS. MARGARET IORLAND WEBB of Richmond, Indiana. (3) The so-called Mennonite case involving the application for final citizenship papers of MARTHA JANE GRABER, Lima, Ohio.

A photographic copy of the above described pamphlet is being transmitted to the Bureau for reference purposes designated as Exhibit No. 27.

In April of 1930, the A.C.I.U. issued a pamphlet entitled "The California Red Flag Case" which purports to set forth the facts of the conviction of 5 young women for displaying a red flag at a children's summer camp in the vicinity of San Bernardino, California, in 1929.

In this pamphlet it is related that 5 young women were convicted in August of 1929, and sentenced to prison terms of from 6 months to 5 years and one defendant to 10 years, for displaying a red flag at a Children's summer camp.

One of the 5 defendants, according to the pamphlet, was a member of the Communist party, 1 a member of the Young Communist League, and three, while not Communist party members, were described as sympathizers.

The pamphlet states that an appeal was taken from this conviction at San Bernardino to the Court of Appeals at Fresno where it was executed. If the conviction is sustained, according to the pamphlet, it will be to the California state Supreme Court, and if necessary to the United States Supreme Court.

According to the pamphlet the defendants recited the following pledge when raising the red flag each morning at camp:

I pledge allegiance to the workers' red flag and to the cause for which it stands, one aim throughout

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our lives, freedom for the working class.

There was also found in the camp, according to the pamphlet, a cardboard box labeled "Please do not touch" which was found to contain Communist literature and certain music.

The defendants were identified in the pamphlet as YETTA STROMBERG, leader of the group; EMMA SCHNEIDERMAN; MRS. SARAH CUTLER, mother of MISS SCHNEIDERMAN; JENNIE WOLFSON, manager of the camp; ESTHER CARPHEFF, BELLA MINTZ, and ISIDORE BERKOWITZ.

The prisoners were released on bail of \$1,000.00 each raised by the International Labor Defense. Said organization employed JOHN BEARDSLEY of Los Angeles as attorney of the defendants named above. MRS. SARAH CUTLER was found not guilty.

After the verdict, according to the pamphlet, ISIDORE BERKOWITZ, one of the defendants convicted, hanged himself.

The pamphlet contains on the last page a form to be filled out by anyone wishing to contribute to the so-called "California Red Flag Case" and is directed to the A.C.L.U., 100 5th Avenue, New York City.

A photographic copy of this pamphlet is being transmitted to the Bureau designated as Exhibit 28.

Under date of August 8, 1930, the Better America Federation, 724 South Spring Street, Los Angeles, California, issued a special bulletin entitled "The American Civil Liberties Union." This report contains a brief historical sketch of the A.C.L.U. together with an analysis of its 1930 report.

The substance of this material has heretofore been set forth in this report. However, in the event more detailed information is desired on some of the points, a photographic copy of this report is being transmitted to the Bureau designated as exhibit No. 29.

A newspaper clipping from the New York Sun on September 28, 1930, quotes an article stating that a pro-

against alleged brutality of the police in dealing with Communists was sent Police Commissioner MULROONEY on the previous day through the Civil Liberties Union.

The following were the signers of this letter and they urged the Police Commissioner "to act and act promptly to end repeated exhibitions of police lawlessness: HARRY ELMER BARNES, MICHAEL A. CONN, WILLIAM ELOYD, HARRY A. FOSDICK, LEWIS GANNETT, G. W. KIRCHWEY, FLORIAN LACKER, LOULA LACKER, EDWARD LACKER, W. W. NORTON, AMOS PINCHOT, DON E. SEITZ, NORMAN THOMAS, W. C. THOMPSON, DONALD H. TIPPETT, R. TROWBRIDGE, OSWALD G. VILLARD, B. CHARNEY VLADICK, RAYMOND L. WISE, and A. L. GOLDVATER.

According to the news item the letter also stated that events of the previous year showed police discrimination against Communists in comparison with other groups of citizens.

A photographic copy of this news item is being transmitted to the Bureau designated as Exhibit No. 30.

There is being transmitted to the Bureau, designated as Exhibit No. 31, a photographic copy of an article in the Pennsylvania Manufacturers' Journal of August, 1930, entitled "The American Civil Liberties Union and the Mooney-Billings Case" by FRANCIS RALSTON WALSH. This article goes somewhat into detail regarding Mooney-Billings Case and also into the history of the A. C. L. U. and some of its officers and National Committee members. This exhibit is being transmitted to the Bureau for reference purposes, as the interest of the A. C. L. U. in the Mooney-Billings case has already been mentioned in this report.

Under date of November 16, 1930, the State Journal of Madison, Wisconsin, announced the organization of a group at Madison to cooperate with the American Civil Liberties Union in New York.

The following individuals composed the group at Madison, Wisconsin: President, Professor WILLIAM ROYAL RICE; Secretary Treasurer, W. E. CHAMBERS; members, Professor MAX C. OTTO, Professor HAROLD GROVES, Professor KIMBALL YOUNG, Professor SELIG PEARLMAN, and Reverend GEORGE L. COLLINS.

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A photographic copy of the above referred to newspaper clipping together with a typed list of the group members is being transmitted to the Bureau designated as Exhibit No. 32.

The following is a list of members of the MARY WARE DENNETT Defense Committee as disclosed by a list made available by confidential informant [REDACTED]

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JOHN DEWEY, Chairman; HENRY SLOANE COFFIN, KATHERINE BEMENT DAVIS, ABEL J. CRIGG, Vice Chairmen; CORLISS LAMONT, Treasurer; FORREST BAILEY, Secretary; JOSEPHINE DASKAM BACON, HARRISON H. ELLIOTT, MRS. MARSHALL FIELD, ROY W. HOWARD, DOROTHY KENYON, HENRY W. THURSTON, OLIVE VAN HORN, Executive Committee.

COMMITTEE

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HELEN ARTHUR
JOSEPHINE DASKAM BACON
FORREST BAILEY
ALICE STONE BLACKWELL
ALICE C. HOUGHTON
EDWIN M. BORCHARD
JOHN MCENTEE BOWEN
SOPHONISBA P. BRICKINRIDGE
LOUISE STEVENS BRYANT
LILLIAN A. BURTON
ELIZABETH CAMPBELL
IDA M. CANNON
HENRY SLOANE COFFIN
MARC CONNOLLY
HERBERT J. DUNENPORT
KATHERINE BEMENT DAVIS
MICHAEL M. DAVIS
KARL DASCHWEINITZ
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KENDALL MERSON

WILLIAM HODGSON
ROY W. HOWARD
RUPERT HUGHES
FANNY HURST
JOSEPH J. STROW
BASCOM JOHNSON
DOROTHY KENYON
CORLISS LAMONT
CAREN R. LOVEJOY
SOLomon LOEWENSTEIN
MARION LERRIGO McWILLIAMS
WILLIAM J. McWILLIAMS
KENNETH MCGOWAN
EDITH J. FITCHELL
RUTH CLARENDON MITCHELL
LEWIS MURFORD
J. PRENTICE MURPHY
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KENNETH R. PALMER
MARTIN W. PECK
WILLIAM ALLEN PUSEY
GEORGE HAVEN PUTNAM
MRS. JACOB REIS
JAMES RORTY
MILTON J. ROSMAN
WILLIAM SALTER

MAX JOSEPH EXNER
DOUGLAS P. FALCONER
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MIRIAM VAN WATERS
GOODWIN WATSON
STEPHEN S. WISE
EVANGELINE W. YOUNG

A photographic copy of the list is being trans-
mitted to the Bureau designated as Exhibit No. 33.

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ACLU
1931

Under date of January, 1931, the ACLU issued what is known as the Monthly Bulletin for Action. Under the caption of "Help Stop Police Rough Stuff in Hunger Marches!", the bulletin states as follows:

"Scores of 'hunger marches' to take place within the next few weeks, have been announced by the Communist Party and affiliated organizations. In addition spontaneous demonstrations of the unemployed can be safely predicted. All evidence shows that the local police will get into action against these demonstrations with their usual violence.

"You can help stop police violence. We ask you to get in touch with the higher-ups in your police department. Urge them not to use force, and to make arrests only in cases of violations of law. Try to get those who are arranging the marches to agree with the police on routes. Announce through the press that disinterested witnesses will attend the meetings to get evidence for action against any police lawlessness.

"Wire the National Office collect if you need cooperation or instructions. Please act now if you see in the press that such a demonstration is to be held in your city."

In the same bulletin, under the caption, "Help Beat the Fish Committee Program;" the bulletin states as follows:

"By the time this bulletin reaches you the Congressional Committee 'investigating' red activities will have made its recommendations to Congress. Chairman Fish stated at an anti-Communist meeting in New York on January 2 that the Committee would urge (1) strengthening of immigration laws to deport alien Communists, (2) a federal police force under the Department of Justice to hunt reds and (3) severing of all trade relations with Soviet Russia. In his New York speech Mr. Fish declared that the Communist Party should be outlawed and that America should continue to refuse to recognize Russia.

"No further gag legislation such as this should be tolerated. We urge you to write your Congressman to vote in opposition to Nos. (1) and (2) above, which are our concern. Send letters to your local press. Get resolutions adopted. Send them to the press and to your Congressman."

In the same bulletin, on page 2, under the caption of "Help Stop the Post Office Department Drive on Radical Papers," the bulletin states:

"For the first time in ten years the Post Office Department has excluded radical papers from second-class mailing privileges under the only section of the war-time Espionage Act still in force. 'Revolutionary Age', weekly organ of the expelled 'Majority (Lovestone) Group' of Communists, published in New York, was banned last July. Recently three New York official Communist Party newspapers, the 'Young Worker', the 'Young Pioneer,' and a Spanish weekly, 'Vida Obrera', have been banned under the same act."

"These bans lend color to the charge of Communists that a systematic general attack is being directed against the radical press. In every instance the charge against the papers is 'seditious language' and 'revolutionary advocacies'."

"The 'Revolutionary Age' case has been appealed by the Civil Liberties Union to the U. S. Circuit Court of Appeals from a decision of the District Court sustaining the Post Office Department."

"Write Postmaster General Walter F. Brown, Washington, D.C., asking that he stop this drive on the freedom of the press by using a war-time statute. Write your Congressmen urging repeal of the Espionage Act. A bill to that end, S-3416, was passed in the Senate last session and is now before the House."

A photographic copy of the above referred to bulletin is being transmitted to the Bureau, designated as Exhibit #34.

In the Monthly Bulletin for Action for February, 1931, under the caption of "Interference with Meetings and Demonstrations - Communist Unemployment Demonstrations," the bulletin issued by the ACLU states as follows:

"1. CALIFORNIA. A mob of white men armed with sticks and stones raided the Lee and Knowlton ranches at Indio on Feb. 9 and drove out the Filipino farm laborers."

"2. CALIFORNIA. Two policemen were beaten when they attempted to disperse the Communist unemployment demonstration at Sacramento on Feb. 10. 'The police retaliated by destroying the headquarters of the demonstrators.'"

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"3. The Los Angeles demonstration was dispersed by the police who knocked down two of the demonstrators when they resisted orders to stop distributing Communist literature.

"4. ILLINOIS. Police stopped demonstrations in public parks at Granite City and East St. Louis. Three persons were arrested at East St. Louis when they attempted to address the meeting. They were released the following day. At Granite City three men and a woman were arrested, charged with speaking without a permit and resisting an officer.

"5. MASSACHUSETTS. Two hundred policemen broke up the Communist demonstration on Boston Common on Feb. 25 and arrested eight persons, including Rev. Smith Q. Dexter, rector of the Trinity Episcopal Church in Concord and Robert A. Bakeman, secretary of the Massachusetts Civil Liberties Committee, who were spectators and had refused to move on when ordered by the police. They were held on disorderly conduct charges; later discharged.

"6. NEW JERSEY. A crowd of 300 persons listening to Communist speakers at Elizabeth on Feb. 25 was dispersed by the police who arrested 3 persons for resisting an officer and one for distributing literature.

"7. NEW YORK. After an orderly meeting, uninterrupted by the police, was held at Union Square, New York City, on Feb. 10, a parade of about 1500 persons marched to the City Hall. Two police emergency squads disbanded the paraders just before they reached their destination. No arrests were made.

"8. In the first week of February, an unemployment demonstration attempted at Buffalo without a police permit resulted in a riot in which a policeman was dragged from his horse and four men were arrested and held for the grand jury. On Feb. 10 of the following week the Unemployed Council of Buffalo staged a protest demonstration at the McKinley monument. About 1,000 persons participated under police permit. The meeting was conducted in an orderly manner and without police interference.

"9. OKLAHOMA. A warning issued by Gov. W. H. Murray that any attempt on the part of Communist demonstrators 'to invade the Capital would be resisted' and the placing of guards armed with tear-gas bombs near the meeting place prevented a demonstration at Oklahoma City.

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"10. PENNSYLVANIA. Twenty-five men and three girls were arrested when they attempted to hold a demonstration in front of the Pennsylvania Railroad station at Pittsburgh on Feb. 25.

"11. Scranton police broke up the demonstration because they objected to 'the language used in addressing the crowd' and arrested two persons.

"12. TEXAS. At Dallas the five men arrested when they attempted to hold a demonstration at Fair Park were fined \$100 each, suspended, on charges of vagrancy. They were warned never to 'go close to one of these meetings again.'

"13. WASHINGTON. Numerous fist fights between the police and paraders resulted from the police attempt to disperse the march at Seattle. Eighteen men and three women were arrested.

CRIMINAL CASES

New

"14. CALIFORNIA. Los Angeles police on Feb. 18 raided the Co-operative Center, wrecked the building, destroyed the furniture, routed the 150 people in the restaurant with tear gas bombs and arrested eight on suspicion of criminal syndicalism. The occasion of the raid was a speaking engagement of William Z. Foster who had previously been prevented from speaking in Walker auditorium. Suits for damages will be brought against the city.

"15. NEW JERSEY. Mildred Shulman and Margeretta Staff were arrested in Harrison on Feb. 12 for distributing Communist leaflets. They were released in \$25. bail each.

"16. On Feb. 21, Tom Myerscough, L. Cohen, S. Dougert and Henry Williams were arrested at Roselle for attempting to speak at an open-air meeting. All were released under recognizance of Judge J. C. Mattern pending arrangements for adjustment of meeting places in the future.

"17. Benjamin Leib and four other Communists arrested in Paterson on Feb. 18 charged with assault and battery arising out of a picketing demonstration before a mill, were released in \$1100 bail each pending grand jury hearing.

"18. TENNESSEE. Henry R. Fuller, a college text-book salesman for Houghton-Mifflin Publishing Company, was arrested at Memphis

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on Feb. 21 when he asked the police the address of the local Communist headquarters and held for two days incommunicado without charge.

"19. WASHINGTON. Michael Sakayonski and Henry Seab were arrested at Seattle on Feb. 8 as they visited the motorship Oakland after it had docked from Germany and were held by U. S. Immigration officers in the city jail incommunicado and without bail. Two others, whose names were not disclosed, were held in the Immigration Detention Station. The four are charged with being 'leading contact men between Russia and the United States for Communist interests.'

"20. CALIFORNIA. The trial of the three Communists arrested last January when the police broke up a Communist 'hunger march' resulted in a hung jury on Feb. 10. The three, Hector Triana, Alex Ivanz & James Connolly, the first two accused of assaulting the police and the last of disturbing the peace, will be retried.

"21. NEW JERSEY. The cases against J. Schwanger, U. Mazurchick, arrested at Newark for distribution of leaflets were dismissed on the ground that the ordinance under which they were arrested was void on technical grounds.

"22. James Grey and others arrested at Elizabeth on January 27 for participating in an unemployment demonstration and charged with disorderly conduct were dismissed by Judge Brown in the Elizabeth City Court on Feb. 23.

"23. NEW YORK. Sam Nossin, Robert Lealers and Milton Stone, arrested following a Communist demonstration in the Board of Estimate room at New York City on October 16 were discharged in the Court of Special Sessions on February 13. The charges of unlawful assemblage and disturbing the peace were dismissed by Justice Freschi as soon as the State had finished its presentation.

"24. PENNSYLVANIA. Tess Ryder and Anna Lyon, arrested on January 12 for distributing copies of an anti-war leaflet to National Guard members were convicted under the state sedition act at Philadelphia on Feb. 5. The girls, who are members of the

Young Communist League which was declared a 'seditious' organization, were sentenced to from 10 to 20 years in prison. The case will be appealed.

"25. The conviction of Blanchard Wright for selling the magazine 'The Unemployed' published by the League for Industrial Democracy, without a permit, was reversed by the Pittsburgh County Court on February 17."

"28. Louis Bebritz, editor of UJ ELORE, Hungarian Communist daily, was arrested by immigration authorities at New York City on Feb. 3 and held for deportation, charged with advocating the overthrow of government by violence. He was released from Ellis Island in \$1,000 bond.

"29. August Yokinen, janitor of the Finnish Workers' Club who was expelled from the Communist Party on a charge of race prejudice, was arrested by the immigration authorities at New York City on Feb. 28 and held for deportation on the ground that he was a member of an 'organization advocating the overthrow of the government by force and violence.'"

"32. MASSACHUSETTS. Three Communist leaders of the Textile strike at Lawrence, Edith Berkman, organizer for the National Textile Workers' Union, William Murdock and Pat Devine, were arrested by the federal immigration authorities on Feb. 27 and held in the East Boston immigration station pending investigation for deportation. The strike which began Feb. 16 affected 10,000 workers. Mounted police dispersed the strikers' demonstrations held before the Ayer Mill on Feb. 24."

"35. NEW YORK. The fifth Communist paper to be banned by the Post Office Department in the last two months is 'Sport & Play', a monthly magazine, organ of the Labor Sports Union of America, devoted to labor sports, barred from the mails in February.

"36. MICHIGAN. The Earl R. Stewart Post of the American Legion at Grand Rapids on Feb. 19 expelled James H. Townsend, who served overseas and had a good war record, because of alleged Communist affiliations."

A photographic copy of the above bulletin is being transmitted to the Bureau, designated as Exhibit #35.

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In a report issued by the ACLU covering activities for the month of January, 1931, the following, in part, is set forth:

"NOTE: The sharp decline in the number of civil liberty cases reported in the first month of 1931 -- 70-- as against January 1930 --with 300 cases-- is due in part to the easier handling of the Communist offensive by the police. Whereas 115 Communists were arrested at 7 demonstrations held in January of last year, only 50 were arrested at 12 demonstrations held in January, 1931. More than half the total of the civil liberty cases reported in January, 1930, grew out of strikes, while no strike cases whatever are reported this month. However, the anti-red and anti-alien drive continues throughout the country with the Communists still the chief victims."

"5. CALIFORNIA. Los Angeles police broke up a Plaza meeting on January 12 to protest against the imprisonment of the eight criminal syndicalist prisoners at San Quentin and Folsom. Two arrests were made, one for refusing to move on order of the police and the other for 'blocking the sidewalk.'

"6. The police later prevented the holding of a similar meeting at Walker Auditorium under the auspices of the International Labor Defense. One man was beaten by two officers who tried to prevent him from entering the building.

"7. Seven arrests were made and several persons were injured as a result of the breaking up by the police of a 'hunger march' of about 1,000 men, women and children at Los Angeles on January 20. Several policemen were severely injured in the fighting which took place. Tear gas bombs thrown into the crowd 'backfired' and injured the police.

"8. INDIANA. An unemployment demonstration sponsored by the International Labor Defense at Gary on January 27 was broken up by the police. Two women and two men were arrested and beaten up. Their cases were set for February 3rd.

"9. MISSOURI. The four Communists arrested at St. Louis on January 16 at a demonstration of the unemployed at City Hall at which the police used tear gas bombs, and fined \$500 each for 'resisting the police' and \$50 for disturbing the peace were taken to the workhouse on January 28 to serve sentences of 183 days each in default of payment of fines."

"10. NEW JERSEY. Newark police broke up an attempted unemployment demonstration at City Hall on January 8. Three detectives were beaten. Thirteen persons were arrested, twelve of whom were released in \$250 bail each and one in \$500.

"11. A demonstration of 300 Communists before the City Hall at Newark on January 28th was broken up when mounted and motor-cycle police rode into the crowd. Mary Kingston and five others were arrested and all but one held in bail of \$250. Bernard Razanski charged with assault and battery was held in \$5000 bail. The demonstration began with a meeting in Military Park.

"12. Regina Evans and two men were arrested at New Brunswick on January 20 at an unemployment demonstration outside City Hall. The three were released after they had been reprimanded by Recorder C. E. Kendell.

"13. Mounted policemen, using riot clubs, dispersed three Communist-led 'hunger marches' in New York City on January 9th resulting in the injury of several policemen and the arrest of two Communists on felonious assault charges and three for 'disorderly conduct.' Another demonstration was held on January 21 at City Hall where 300 policemen routed 2,000 Communists. Two patrolmen were seriously injured. The two Communists arrested on charges of felonious assault were held in \$1,000 each.

"14. PENNSYLVANIA. Four men and one woman were arrested when they attempted to address an 'unemployment' meeting outside Municipal Building at Ambridge on January 8 and were held in jail in default of \$500 bail each pending hearing on charges of inciting to riot. They claimed a permit had been granted for the meeting.

"15. Pittsburgh police dispersed 'hunger parades' on January 14 and arrested several persons.

"16. Nell Amter and Ernest Cariatthers representing the Unemployed Council were arrested when they attempted to present the Council's demands before the Pittsburgh City Council on January 28 and were fined \$10 each on disorderly conduct charges. They served the 30 day sentence instead of paying the fine.

"17. TEXAS. San Antonio Communists, turned away from Turner Hall, held their meeting to commemorate the death of Lenin at

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the headquarters of the Trade Union Unity League in defiance of police threats that the meeting would be prohibited. The meeting was orderly and there was no police interference. George Papcun, Party organizer, was arrested in the afternoon while arranging for the meeting but released on order of the Police Commissioner who stated that there were no grounds for Papcun's arrest.

Other Meetings.

"18. NEW YORK. Permit for the use of the auditorium of Public School #135 in Brooklyn by the East Flatbush Open Forum was revoked by Director of Extension Activities Gibboney on January 8 on the ground that the organization's Socialist character violates the rules of the Board of Education concerning the use of school buildings for meetings.

Criminal Cases

New

"19. ARKANSAS. Frank Brown, organizer for the United Farmers' League was arrested at Little Rock on January 30 for distributing handbills announcing a meeting of the 'Unemployed Council'. The charge of 'inciting to riot' was indefinitely postponed when Brown promised to leave the state. Dominick Zini, Communist, arrested at the same time was released in \$2,500 bail pending hearing.

"20. CALIFORNIA. An injunction restraining the police from arresting newsboys selling the 'Citizen', Los Angeles, A.F. of L. paper, was dissolved by Judge Walter S. Gates on January 25 and Lieut. William F. Hynes, head of the Red Squad, was declared not in contempt of court even though he continued to make arrests while the temporary injunction was in force. The newsboys were charged with violating an anti picketing ordinance.

"21. James Murphy, member of the Young Communist League, arrested at Los Angeles on January 12 for selling the Daily Worker on the streets calling attention to a story of bank failure in New York. He is charged with violation of a section of the California penal code which makes it a misdemeanor to 'circulate rumors regarding banks' which would be 'derogatory to the financial condition or affect the solvency of the bank.' He was released in bail of \$1500 pending hearing.

"22. NEBRASKA. John Dawson, Communist Party organizer, and William Modjelsky were arrested at Omaha on January 23 for selling the Daily Worker on the streets. Dawson was sentenced to 90 and Modjelsky to 45 days in jail on charges of vagrancy. They were held in bail of \$500 each pending appeal.

"23. NEW YORK. Michael Melrose, arrested in front of the Chelsea Bank and Trust Company at New York City in December on suspicion of being a Communist and of circulating false rumors about the bank's condition, was discharged by Magistrate Gottlieb on January 2nd on the ground that there was no evidence that he had said anything concerning the bank 'in a malicious spirit'.

"24. PENNSYLVANIA. Blanchard P. Wright, an unemployed worker, was arrested at Pittsburg on January 9 and convicted of violating an ordinance requiring a license for street vendors for selling the magazine 'Unemployed' published by the N. Y. League for Industrial Democracy. Pending appeal Wright was held in bail of \$50.

"25. TESS HYDER and Anna Lyon were arrested at Philadelphia on January 14 for distributing 'seditious' Communist literature outside the 108th Field Artillery Armory and were held for sedition without bail by Magistrate Roberts pending ruling by a higher court.

"26. WISCONSIN. The state Supreme Court on January 12 upheld the conviction of two Communists, Paul Kassen and Kasmir Kobas for distributing literature during the May Day demonstration last year on the ground that they littered the streets. The Court said: '...if the enforcement of this ordinance were shown to be directed at a class of persons for the purpose of suppressing the free expression of their views....quite a different question would be presented'.

Old

"27. OHIO. The Court of Appeals of Harrison County in January reversed the convictions of Betty Gannett and Zorka Yoki under the criminal syndicalism act on the ground that the literature which the defendants had distributed did not violate the statute.

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ALIENS
Deportation

"28. OREGON. The nine Portland Communists recently ordered deported because of membership in the Communist Party were denied writs of habeas corpus by Federal Judge Bean on January 5. The men are held in jail in \$3,000 bail each pending appeal to the Circuit Court of Appeals.

"29. Luke Skako, Communist lumber-jack, who came to Portland to aid in the cases of the nine Communists held for deportation, was arrested and held for deportation as a Communist on January 3rd. His Party membership book had been seized by the authorities during the raid on the Communist headquarters last September. He was released in \$300. bond.

Naturalization

"30. CALIFORNIA. Jacoby Hullen, German citizen, was denied naturalization by Superior Court Judge Ben J. James at Santa Rosa on January 20 because of his Socialist views. Hullen said he did not believe in private property but advocated only lawful and peaceful means to bring about changes.

ACADEMIC FREEDOM

"31. CALIFORNIA. Aida Handler and Victoria Goertzel were expelled from the Roosevelt High School at Los Angeles on January 29 for their connection with the 'Roosevelt Voice', student organ of the Young Pioneers. Suspension was at first ordered by the principal but when the students refused to apologize they were expelled.

"32. Despite the fact that their scholarship is unquestioned, Martha Tillin, Miriam Brooks and Aida Handler, the last recently suspended, have been informed by the principal of Roosevelt High School at Los Angeles that they will not receive their diplomas because they are 'impudent, disloyal, unpatriotic and not good citizens'. Two of the girls are Communists and one a Socialist."

Censorship of the Press

"36. NEW YORK. Three New York Communist papers, the 'Young Worker', organ of the Young Communist League, the 'Young Pioneer', organ of the Young Pioneers and the Spanish weekly, 'Vida Obrera', were denied second-class mailing privileges by the Post Office Department during January. Appeal has been taken."

A photographic copy of the above-referred-to report is being transmitted to the Bureau, designated as Exhibit #36.

During the year 1931 the ACLU issued weekly bulletins in the form of Press Releases. Photographic copies of the weekly bulletins for the year 1931 were obtained and are being forwarded to the Bureau, designated as Exhibits #37-A through 37-AY.

The following material was taken from these bulletins, and each bulletin is identified by number, date and exhibit number:

Bulletin #439, January 16, 1931, Exhibit #37-A

"SEATTLE SCHOOL BOARD ENDS 'YELLOW DOG' CONTRACTS

"The 'yellow dog' provision in the contract for Seattle teachers recently upheld by the Washington state Supreme Court was removed January 2 by the Seattle Board of Education. This clause, requiring teachers to agree not to join the American Federation of Teachers during their term of employment, was put into the contracts in May 1928.

"The Teachers' Union, through W. B. Satterthwaite, a member of Seattle local No. 200, brought suit in the courts to test the right of the school board to refuse him employment. The case was carried to the state Supreme Court which upheld the provision.

"The Federation of Teachers was considering a further appeal to the U. S. Supreme Court when the school board acted. According to Vice-President Henry R. Linville of the Teachers' Union the board's action will not influence their decision. The Federation regards the removal of the objectionable clause only as an attempt by the board to avoid further criticism.

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"SOCIALIST DENIED CITIZENSHIP IN CALIFORNIA

"Jakob Hullen, German citizen who has lived in America for over ten years, has just been denied citizenship by Superior Court Judge Ben C. Jones at Santa Rosa, California, on motion of C. J. Vermillion, naturalization examiner, because of his socialistic views. Hullen, a Socialist Party member, said he did not believe in private property but advocated only lawful and peaceful means to bring about any change in society.

"On the advice of attorney Arthur Garfield Hays, the American Civil Liberties Union has offered Mr. Hullen aid in seeking a rehearing. According to the Union this is the first case in which a Socialist has been refused citizenship for his views.

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"RADIO STATION WEVD WINS NEW LICENSE

"Overruling the recommendation of Elmer W. Platt, examiner, the Federal Radio Commission on January 13 renewed the license of radio station WEVD of New York. The Commission had previously threatened to refuse renewal because of technical violations of the Commission's rules. A 90-day extension was granted on October 31 while the charges were taken under advisement.

"The charges against the station included deviation from assigned frequency, failure to announce phonographic records, failure to properly announce call-letters, and the employment of an unlicensed operator.

"In the bill of exceptions filed by the station with the Radio Commission, it declared that 'the sum and substance of the charges of the Commission were highly technical in nature and in no wise affected the radio performance, nor the public interest, convenience or necessity of the station.'

"The American Civil Liberties Union, at the request of WEVD, organized a national committee to fight for renewal of its license. It was also negotiating with the National Broadcasting Company for fifteen minutes on the National Broadcasting Company hook-up to present the case of WEVD to the public.

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"LOS ANGELES NEWSBOY ARRESTED FOR
'CRYING' BANK FAILURES

"James Murphy, 20-year old Young Communist League member, is in jail in Los Angeles for selling the 'Daily Worker' on the streets by crying a story of bank failures in New York.

"He is charged under a section of the California penal code which makes it a misdemeanor to 'circulate false rumors regarding banks which would be derogatory to the financial condition or affect the solvency' of such institutions.

"The newsboy, first held on 'suspicion of criminal syndicalism', will be given a hearing January 28. He will be represented by Attorney Leo Gallagher, retained by the International Labor Defense and the American Civil Liberties Union. His bail was set at \$1500. The maximum penalty for the offense is a year in prison and a \$1,000 fine.

"To test the authorities' right to apply such a statute, the Los Angeles branch of the Civil Liberties Union, has ordered 1000 copies of 'Labor's News', the weekly of the Federated Press, containing a story on bank failures by Professor Colston Warne. The paper will be sold on the streets in Los Angeles.

#

"PORTLAND, OREGON COMMUNISTS DENIED HABEAS CORPUS

"The nine Portland, Oregon Communists recently ordered deported by the Department of Labor on charges of 'membership in an organization which advocates the overthrow of the U. S. Government by force' were denied writs of habeas corpus by Federal Judge Bean in Portland on January 5th. The hearings on the writ were argued last week by attorney Irwin Goodman of Portland for the International Labor Defense, in charge of the cases.

"Goodman's petition charged that the government had no right to interrogate the defendants while under arrest on a state charge and before their arrest on deportation warrants. He denied that there was sufficient evidence to prove the men's connection with an organization advocating 'the overthrow of the government of the United States.'

"The International Labor Defense will take the case to the Circuit Court of Appeals. All of the men are held in jail under \$3,000 bail each.

"A lumber-jack, Luke Skako, who came to Portland to put his life's savings into bail for his comrades, has also been arrested by the immigration officials and held for deportation as a Communist. His membership book in the Communist Party had been held by the authorities since the raids last September when the nine men were arrested.

"FATHER OF ELEVEN CHILDREN HELD FOR
DEPORTATION IN LOS ANGELES

"Charged by immigration officials with the 'crime' of membership in the Communist Party, John Vilarino, father of eleven children, worker in the United States for 20 years and home-owner in a Los Angeles suburb, is threatened with deportation to Spain. Vilarino was arrested without warrant by Lieutenant Hynes, head of the Los Angeles police department's red squad. Detectives swarmed through the Spaniard's modest home, terrifying his wife and children and seizing working class literature.

"After being taken to jail, Vilarino was held on a telegraphic warrant obtained from federal immigration inspectors in Washington, D. C., on the ground that he 'may become a public charge.'

"The International Labor Defense is in charge of the case, with the Aid of the American Civil Liberties Union through John Beardsley, its Los Angeles attorney. 'The police red squad,' says Mr. Beardsley, 'is being used as a tool by the federal immigration service in the unconstitutional arrest and deportation of aliens from this country.'

"Beardsley will attack in the lower federal court the admissibility of evidence obtained without warrant, and will oppose the contention that mere membership in the Communist Party is sufficient ground for deportation."

BULLETIN #440, January 22, 1931, Exhibit #37-B

"HELP BEAT THE FISH COMMITTEE PROGRAM!"

"Announcing a national campaign to defeat the proposals of the Fish Committee to outlaw the Communist movement in the United States, The American Civil Liberties Union through Dr. Harry F. Ward, chairman, says:

"The proposals to outlaw the Communist movement on the grounds of its political principles, not because of any acts charged against it, strike squarely at freedom of speech, press and assemblage. The inevitable result of these recommendations, if adopted, would be to drive the Communist movement into an underground conspiracy. It would produce results far worse in disorder and violence than the policy of letting the movement advocate its principles freely without restraint.

"The proposals are absurd on their face. The immigration and deportation laws concerning Communists are already too comprehensive. The committee's "investigations" show no condition in this country which justifies strengthening the already too stringent laws against free speech enacted during and since the war. Only fear to face the economic conditions which produce Communist protest could possibly prompt such a sweeping and hysterical program of repression."

"The nation-wide campaign to defeat the Committee's proposals affecting the Communist movement in the United States is directed at first to the House. The Union asks all its supporters to write their Congressmen at once opposing any further oppressive legislation. If the program is not defeated in the House, the Union expresses its belief that the Senate will bury it'.

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"NATIONAL COMMITTEE TO FIGHT FOR WEVD

"Formation of a national committee to fight for renewal of the license of the Socialist radio station WEVD at New York, has been announced by the American Civil Liberties Union following action by the Federal Radio Commission on January 16 reversing its decision to re-license the station.

"HELP BEAT THE FISH COMMITTEE PROGRAM!

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"The proposals to outlaw the Communist movement on the grounds of its political principles, not because of any acts charged against it, strike squarely at freedom of speech, press and assemblage. The inevitable result of these recommendations, if adopted, would be to drive the Communist movement into an underground conspiracy. It would produce results far worse in disorder and violence than the policy of letting the movement advocate its principles freely without restraint.

"The proposals are absurd on their face. The immigration and deportation laws concerning Communists are already too comprehensive. The committee's "investigations" show no condition in this country which justify strengthening the already too stringent laws against free speech enacted during and since the war. Only fear to face the economic conditions which produce Communist protest could possibly prompt such a sweeping and hysterical program of repression."

"The nation-wide campaign to defeat the Committee's proposals affecting the Communist movement in the United States is directed at first to the House. The Union asks all its supporters to write their Congressmen at once opposing any further oppressive legislation. If the program is not defeated in the House, the Union expresses its belief that the Senate will bury it'.

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"NATIONAL COMMITTEE TO FIGHT FOR WEVD

"Formation of a national committee to fight for renewal of the license of the Socialist radio station WEVD at New York, has been announced by the American Civil Liberties Union following action by the Federal Radio Commission on January 16 reversing its decision to re-license the station.

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"WEVD, founded in 1927 as a memorial to Eugene V. Debs has been in trouble with the Radio Commission since last October, when charges were made by a Commission's agent that the station was violating its rules. The station has been running on temporary permits while the Commission considered the charges. A new hearing on the application for renewal of its license is to be heard shortly.

"The committee to organize national support of WEVD'S application is composed of: Heywood Broun, Amos Pinchot, Susan Brandeis, Harry Elmer Barnes, Stephen S. Wise, Mary E. Dreier, Elisabeth Gilman, Dorothy Detzon, John Haynes Holmes, Harry F. Ward, Roger M. Balwin, Henry E. Neumann, and Ernest Bailey, Secretary.

#

"CITIZENS COMMITTEE TO FIGHT NEW YORK STAGE CENSORSHIP

"The American Civil Liberties Union has undertaken to form a citizens' committee to support the New York Dramatists' Guild in its fight against censorship of the theatre. Elmer Rice, playwright and author of the Pulitzer Prize play "Street Scene", will head the committee.

"At the request of the Guild, the Union agreed to organize such a committee on December 8th providing any group was formed to advocate censorship. Formation of the committee followed the recent announcement that John S. Sumner, director of the New York Society for the Suppression of Vice, had enlisted in a committee favoring censorship such notables as Bishop Manning, Cardinal Hayes, and Rabbi Nathan Krass.

The Sumner group has announced that a delegation would be appointed in a short time to go to Albany to oppose any proposed legislation to modify the Wales Act. The Civil Liberties Union has offered to cooperate with the Dramatists' Guild in sending an opposing delegation.

#

"TEXTILE ORGANIZER FREED FROM JAIL

"After serving a jail sentence for distributing a strike circular, William T. Murdoch, secretary of the National

Workers' Union, has just been released from the Danville, Va. city jail through payment of the balance of his fine by the American Civil Liberties Union.

"Murdoch, who went to Danville in October shortly after the textile strike began, was arrested for language in his circular held to defame Francis T. Gorman of the United Textile Workers' Union and Harry R. Fitzgerald, head of the mills on strike. At first sentenced to four months his term was reduced to two on appeal. In addition he was fined \$100 and costs. His jail sentence expired on November 24th but he was held to work out his fine and costs at the rate of 50 cents a day.

"While Murdoch was in jail he was charged by the Department of Labor with membership in the Communist Party and held for deportation to Scotland. He was released under bond.

"The law under which Murdoch was convicted penalizes defamation of a woman's character, but a clause includes defamation 'of others as well.'

#

RADICAL LOS ANGELES STUDENT-WRITERS SUSPENDED

"Because of their connection with the 'Roosevelt Voice', student organ of the 'Young Pioneers', Communist organization, two 16-year-old Los Angeles students, Aida Handler and Victor Goertzel, have been suspended from the Roosevelt High School.

"Suspension was ordered by the high school principal on December 31st to extend only to January 7th, but since the two students refused to apologize for their connection with the radical paper, neither has been re-instated. The principal has also ordered the transfer of Goertzel to another school as a disciplinary measure.

"The students claim their punishment is only a part of a general program to suppress freedom of opinion in the school. For the same sort of offenses, they assert, two other students were previously expelled and one suspended.

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Leo Gallagher, attorney for the Los Angeles Committee of the Civil Liberties Union, representing the students, has asked for a reconsideration of the transfer.

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PITTSBURGH WORKER CONVICTED FOR SELLING UNEMPLOYED MAGAZINE

"Accused of violating a police rule requiring licenses for street vendors an unemployed worker, Blanchard P. Wright, arrested in Pittsburgh, Pa. January 9, has been convicted for selling the magazine 'Unemployed', published in New York by the League for Industrial Democracy. Pending a hearing, Wright was held under \$50. bail. The attorney for the League has announced that he will ask for an injunction restraining police from arresting vendors. The police rule is now applied to the vendors of Pittsburgh newspapers nor to news stands.

"At the request of the League the American Civil Liberties Union has taken up the case. 'The interest of the Union' according to Harry F. Ward, chairman, 'is based on the fact that the rule requiring licenses for street vendors has been applied in a discriminatory manner.'

"According to the League for Industrial Democracy, over 60,000 copies of this magazine have been sold on the streets of New York and other cities without police interference."

BULLETIN #441, January 29, 1931, EXHIBIT #27-C

"REPEAL OF OHIO SYNDICALIST LAW PUSHED

"Repeal of the Ohio criminal syndicalist act passed in 1919 is asked in a bill just introduced by Senator Joseph H. Silbert of Cleveland. The law provides penalties of ten years imprisonment and fines up to \$5,000. The only prosecutions under it were brought in Belmont county in 1929 against five Communists for passing out anti-war leaflets. Their convictions were reversed by the court of appeals.

"The International Labor Defense is securing signatures throughout the state for an initiative petition for the repeal of the law. Seventy-five thousand signatures will be needed to

bring the issue before the state for a popular vote, if the legislature fails to repeal it. The Scripps-Howard papers throughout the state are supporting the repeal.

#

TWO I.W.W.'S ACQUITTED ON CHARGE OF ATTACKING COP

"Two members of the I.W.W., Andrew Kolosar and Herbert Mahler, who were arrested September 17 in New York charged with felonious assault on a policeman were acquitted on January 18 by a jury in the Court of General Sessions. The charges against the two men grew out of a street fight in New York caused by their heckling a Communist speaker.

"While being carried to the police station in a patrol wagon, following their arrest, Kolosar and Mahler were so badly beaten by the police that they had to go to a hospital for treatment. They are now considering damage suits against the arresting officers. The I.W.W.'S General Defense Committee, New York Branch, was in charge of the cases, with attorney Harry Rappaport representing the men.

#

LOS ANGELES PRINCIPAL DENIES DIPLOMAS TO GIRL REDS

"In spite of the fact that their scholarship and deportment is unquestioned three Los Angeles high school girls, Martha Tillin, 17, Miriam Brooks, 15, and Aida Handler, 16, will be denied their diplomas at the Roosevelt High School by Thomas Hughes Elson, principal, because they are 'impudent, disloyal, unpatriotic and not good citizens.' Two of the girls are members of the Young Communist Pioneers. The third is a Socialist.

Recently Miss Handler and Victor Goertzel, 16, were suspended from the school for contributing to the 'Roosevelt Voice', Young Pioneer school paper. The Civil Liberties Union's Los Angeles attorney, Leo Gallagher, has taken the suspensions up with the school authorities. The students claim that two other students were previously expelled and one suspended for their views.

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COMMUNIST ORGANIZERS JAILED IN OMAHA

"Arrested while distributing the Daily Worker in Omaha, Neb., John Dawson of Chicago, Communist organizer and William Modjolesky of Omaha, beet-field worker, were sentenced to terms of 90 and 45 days on January 22 for 'vagrancy'.

"Police Judge Palmer in sentencing the men said, 'The Communist Party is not recognized as legal by this court. It's a menace. We'll stamp it out in Omaha from the start.'

"Appeal bail of \$500 for Dawson and \$300 for Modjolesky has not yet been raised. Immigration officers who examined the literature distributed with a view of deporting Modjolesky, a native of Russia who has been in America 25 years, said they were unable to find any treasonable matter. Attorney Edwin W. Megle of Omaha is representing the Civil Liberties Union on an appeal."

BULLETIN #442, February 5, 1931 EXHIBIT 37-D

"A campaign for repeal of the war-time Espionage Act, provided in a bill which passed the Senate unanimously last June, and now before the Judiciary Committee of the House, has been undertaken by the American Civil Liberties Union. The Union is urging its friends to write members of the Judiciary Committee asking them to report the bill favorably."

"The Espionage Act, passed in 1917 as a war-time measure, was 'suspended' in 1921 until the 'next emergency'. However, one section was left in force giving the post office department power to exclude from the mails any matter which it regards as 'seditious'. Under that section the post office department has banned four radical papers in recent months."

"Senator Thomas J. Walsh of Montana, author of the Espionage Act, was responsible for the introduction and passage of the repeal bill in the Senate. In favorably reporting the bill, the Senate Judiciary Committee said:

"It is to be borne in mind that the statute has no application except in the existence of war. It would seem as though Congress might safely be relied upon in the deplorable

event of the occurrence of another war calling for legislation of an extraordinary character, to meet the emergency as it may arise.

"The committee is further of the view that it is unwise to invest the post-office authorities with the power to determine whether an article or articles in a newspaper does or does not offend against the statute, a question often so delicate as that learned judges of the Supreme Court have differed in the conclusion at which they have respectively arrived when called upon to solve it. The statute has been so administered as to make it to all intents and purposes a censorship law."

MINNESOTA PRESS GAG LAW ARGUED IN U.S. SUPREME COURT

"Argument in the U. S. Supreme Court on the constitutionality of the Minnesota law under which a single judge may enjoin the publication of a newspaper he regards as 'defamatory' was heard January 30 when attorneys for the CHICAGO TRIBUNE presented the case of the SATURDAY PRESS, a weekly published in Minneapolis. The paper was suspended by an injunction issued in 1927 by a district judge under the law passed in 1925.

"The injunction and the constitutionality of the statute were both upheld by the Minnesota Supreme Court. Appeal was then taken to the U. S. Supreme Court. The Chicago Tribune became interested in the case because of the threat to the freedom of press involved. The American Civil Liberties Union, which had originally taken up the case, surrendered its participation to the TRIBUNE.

"The Minnesota legislature, which refused in 1929 to repeal the law, has just reconsidered it on the urging of the Governor. A repeal bill has passed the House and is before the Senate.

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NEW YORK STAGE CENSORSHIP BILL OPPOSED BY AMERICAN CIVIL LIBERTIES UNION

"The censorship bill introduced in the New York legislature by Senator Seabury C. Mastick creating a State Bureau of

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Censorship for New York City theatres is being fought by the American Civil Liberties Union. A statement issued by Forrest Bailey, director, says:

"We hold that any form of restriction of the stage other than what is implied by a reliance on the good taste of dramatists, producers and artists and the audience--especially the audience--is an embarrassment to art and an affront to the play-going public. Senator Mastick's proposal setting up a division of the department of education as the censorship authority strikes us as offering no improvement over the present system of police censorship under the intolerable Wales Law. With reference to the movie censorship in New York, the statement declares that 'The list of cuts and bans imposed by the Department of Education in its censorship of motion pictures is an amazing record of prejudice, prudery and incompetence.'

"The Civil Liberties Union is organizing a citizen's committee of 100 to oppose stage censorship in any form.

#

CALIFORNIA SUPREME COURT WILL HEAR IMPERIAL VALLEY APPEAL

"The California Supreme Court will hear arguments on February 13th on the first criminal syndicalism prosecutions in that state since 1924, when the cases of eight Communist organizers and workers, sentenced to terms of from 2 to 28 and 3 to 42 years for organizing a strike of agricultural laborers in Imperial Valley, are presented by attorneys for the International Labor Defense.

"The men were convicted for distribution of Communist literature. No overt acts were charged. The chief witnesses were professional stool-pigeons employed by the ranch-owners. The case involves essentially the legality of the Communist Party in California.

R. W. Henderson of Bakersfield, who has handled most of the syndicalism cases in the past will argue the appeal for the I.L.D. The Civil Liberties Union is participating in the case.

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CALIFORNIA RED FLAG APPEAL DOCKETED IN U.S. SUPREME COURT.

"The appeal of Yetta Stromberg, 19 year old director of a Communist children's camp at San Bernardion, Cal., from a sentence of 10 months to 10 years for 'displaying a red flag', has just been docketed in the U. S. Supreme Court by John Beardsley, Los Angeles attorney, retained by the International Labor Defense.

"Briefs will be filed shortly by Beardsley and the Attorney General of California. Oral arguments on the case will probably be heard sometime in the spring.

"The appeal to the U. S. Supreme Court is based on the ground that the California red flag law violates the 14th amendment by interfering with the liberties guaranteed by the constitution. This is the first prosecution in the U. S. under the anti-red flag laws passed in 28 states in 1919. The decision will settle the constitutionality of all the laws."

BULLETIN #443, February 14, 1931 EXHIBIT #37-E

"UNEMPLOYED PROTESTS GET VARIED RECEPTION

"Demonstrations led by Communists in behalf of the unemployed on February 10 in the nation's larger cities met with varied reception, the principal clashes with the police occurring in Washington and Boston. This represents a marked improvement, the American Civil Liberties Union states, less police violence being noted on that day than in any Communist demonstration in the last year.

"In Austin, Texas, paraders were compelled to surrender their banners. In Oklahoma City, where hungry persons raided a grocery and seized food a few weeks ago, county and city officers armed with tear gas bombs waited to break up a scheduled march of the jobless, and it was called off. Police in Elizabeth, N. J., barred an unemployed gathering in Union Square. In Sacramento, Calif., two policemen who interfered with an unemployed turnout were beaten. The police then destroyed the headquarters of the idle workers. The demonstration was staged in the gallery of the House of Representatives, after a Communist delegation had been rebuffed in trying to

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present a petition for unemployment insurance to Speaker Longworth. Guards ousted a man said to have carried a newspaper on which was scribbled a note indicating that he was to interrupt the Navy Bill debate; then ejected a woman and two men, one of whom had shouted a protest against the ousting of the first. Senator Elaine of Wisconsin assailed the placing of a police cordon around the Capitol as 'a shameful spectacle.' The guards were armed with clubs and guns, he said, 'to protect us against an imaginary enemy.'

"Nearly 4,000 persons attended a Communist unemployed meeting in Union Square, N. Y. C., where speakers demanded that the government establish unemployment insurance and give free food, heat, and light to those without jobs; and that evictions be prohibited. After this meeting, which was orderly, a surprise march was made by 350 men and women through the East Side with the City Hall as their goal. Police surrounded that building, and remembering broken heads in previous visits, the paraders decided to postpone a new appeal to the Mayor.

"Twelve persons were arrested in Boston when a gathering of several hundred persons on the Common was broken up. Two of these were the Rev. Smith O. Dexter of Concord and Robert A. Bakeman, ex-mayor of Peabody, Mass. now secretary of the Massachusetts Civil Liberties Committee. Both refused to obey orders to move on saying they had taken no part in the demonstration, and had a legal right to be there as onlookers. In court both were discharged. Others were fined \$10. or \$5.

"In St. Paul demonstrators crowded the House chamber of the state legislature, and spokesmen spent two hours demanding unemployment relief from the legislators, the House having recessed to permit them to occupy the rostrum for their speeches. Many police were present, but did not interfere. Several thousand unemployed marched in Chicago, many Negroes among them, without police interference.

"Delegates from the Connecticut Unemployed Council presented detailed requests for state relief to the jobless to Governor Cross, who promised to study their program. In Reading, Pa., Mayor J. Henry Stump, Socialist, gave marchers permission to meet in the City Auditorium.

#

WHOLESALE RAID ON ALIENS PROTESTED

"The American Civil Liberties Union is awaiting word from Secretary of Labor Doak in answer to a protest against the rounding up of 4,000 aliens in the Seamen's Church Institute in New York City on February 3rd. That raid was staged to discover how many of the 4,000 were in the United States illegally. Only about 100 were found to be possible subjects for deportation..

"Roger N. Baldwin, director of the Union, wrote the Secretary next day asking whether the raid was authorized by his Department; if not, whether he approved of it. 'We submit that it is illegal and high-handed', Mr. Baldwin wrote. 'Such methods are bound to bring law enforcement as it affects the immigration act into disrepute.' The Secretary was reminded that the 1920 wholesale raids, with the illegalities that accompanied them, aroused a storm of protest all over the country.

##

OUTLAWING OF COMMUNIST PARTY FOUGHT

"Eight prominent liberals, acting in behalf of the American Civil Liberties Union, have sent out a letter to a widespread list of citizens asking them to express their opposition to the proposals of the Fish Congressional Committee to outlaw the Communist Party. The eight are Julia C. Lathrop, Professor Alexander Meiklejohn, the Rev. John A. Ryan, Rabbi Stephen S. Wise, Prof. John Dewey, Dr. Harry F. Ward and Arthur Garfield Hays, and Professor Zechariah Chafce, Jr.

"Recommendations by the Fish Committee, the signers of the appeal declare, 'strike so clearly at the right of freedom of speech, press, and assemblage that they cannot, in our judgment, be too strongly condemned. They propose outlawing the Communist Party in the United States, thus inevitably driving the movement underground into conspiratorial channels. The committee proposed to accomplish this by recommending to the states that the party be excluded from the ballot; by refusing all Communist publications access to the mails; by making mere membership in the party a deportable offense for an alien; and prohibiting alien Communists from becoming citizens.'

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"The Union has written to its friends in all states where legislatures are meeting, warning them to be on guard against any bill to outlaw the Communist party, since the Fish Committee proposals were sent to all legislative heads and governors."

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BAY STATE DRIVE FOR FREEDOM OF SPEECH

"Champions of civil liberty in Massachusetts are working for the passage of four bills now before the state legislature, three relating to freedom of speech and one to freedom of the drama.

"The 'Parks Bill', which narrowly failed to pass the House in 1930, would set apart in every city a place where no permit would be required for public speeches. This is especially designed to make Boston Common another Hyde Park, and to end the drastic restriction on public utterance now imposed in the Common. Another measure would repeal a 1929 law requiring written consent of abutting property owners before a street meeting can be held. Enforcement of this statute has been embarrassing ever to the Republican and Democratic parties.

"A third bill would repeal the blasphemy law of 1646, which makes it a crime to deny the existence of God or to 'profane the Holy Writ'. Originally the penalty was death, but this has been whittled down to a year in prison or a \$300 fine. In Massachusetts alone there have been three prosecutions for blasphemy in five years. The 'theatre bill' would take from the mayor and two other officials power to revoke theatre licenses and thus to suppress plays. It provides that such power shall rest only in the public prosecutor acting openly and in response to public opinion.

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LOS ANGELES POLICE BEAT COMMUNIST

"Meyer Baylin, a Communist and organizer of the Unemployed Council in Los Angeles, was severely beaten recently by members of the police Red Squad there. The incident

occurred while W. P. Hynes, head of that squad, was telling the ex-service men's division of the Trade Union Unity League, a Communist-led organization, that the Communists were trying to overthrow 'free America.' Baylin had been present, and was taken out of the hall by the policemen. The beating followed."

BULLETIN #444, February 20, 1931 EXHIBIT #37-F

"MAYOR COMMENDS FREELING OF COMMUNISTS

"Three Communists arrested following a demonstration in the Board of Estimate room in the New York City Hall on Oct. 16 were discharged Feb. 13 in the Court of Special Sessions. They are Sam Nesin, Robert Leales and Milton Stone. Nesin was said to have called Mayor Walker 'a representative of grafting politicians'.

"Unlawful assemblage and disturbing the public peace was charged. Justice Freschi, presiding, threw out the case as soon as the State finished its presentation. Accordingly Mayor Walker, who had been summoned as a defense witness, did not take the stand. He commended the verdict. 'Certainly there was no unlawful assemblage,' he said. 'It might have been disorderly conduct, but when I cannot handle that myself I'll quit.'

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BAY STATE LOWER HOUSE PASSES PARKS FREE SPEECH BILL

"The Massachusetts House of Representatives passed the Parks Free Speech Bill on Feb. 12. This would set apart in every city a place where no permit would be required for public speeches. It was especially designed to end the drastic restriction on public utterances prevailing in Boston Common, and to make it another Hyde Park. Prompt action on the measure is expected in the Senate. Sponsored by the Massachusetts Civil Liberties Committee, it narrowly failed to pass in the House in 1930.

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PROTESTS AGAINST NEW ALIEN RAIDS

"Demand upon Police Commissioner Mulrooney of New York City that he stop illegal raids on aliens by his subordinates has been made by the American Civil Liberties Union. These raids grossly violate the legal rights of the persons involved, the Union's complaint declares. Premises have been closed without authority in law; the raids have been made without warrant; and detention on Ellis Island has taken place without proper warrant. All this has been done in cooperation with the U.S. Department of Labor.

"Similar complaint to Secretary of Labor Doak on Feb. 4 against alien roundups by Immigration Inspector John Kaba brought no response, and the Union has written Mr. Doak again, saying: 'If we do not hear from you it will be necessary to put this matter before appropriate committees of Congress and before the President.'

"Specific objection was made to the Secretary against a high-handed and illegal raid by Kaba on a dance of + Finnish Workers' Education Association, a Socialist organization in Manhattan, on Feb. 14. A thousand persons were ordered to prove that they were in this country legally.

#

JURY DISAGREES IN HUNGER MARCH CASE

"After a week's trial, a jury failed to agree as to the guilt of three Communists arrested January 20 in an attempted hunger march to the city hall in Los Angeles. The three, who are to be retried, are Hector Triana and Alex Ivanz, charged with assaulting police officers, and James Connolly, accused of disturbing the peace. Joe Holub was found guilty of disturbing the peace and not guilty of distributing handbills illegally, and was sentenced to 50 days in jail.

These men were arrested in a melee which resulted when the police charged peaceful paraders with tear-bombs, gas guns, and clubs.

DEPORTATION OF HUNGARIAN EDITOR FOUGHT

"Vigorous efforts to prevent deportation of Louis Bebrits, editor of 'Uj Elore', Hungarian Communist daily in New York City,

are being made by the International Labor Defense. Bebrits was arrested, it is declared, as a direct result of his militant testimony before the Fish Congressional Committee. Lately he was released from Ellis Island on \$1,000 bond.

If he is returned to fascist Hungary, according to the International Labor Defense, it means his probable death or long imprisonment and torture.

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FIFTH COMMUNIST PAPER DENIED USE OF MAILS

'Sport and Play', a monthly magazine devoted to labor sports, has been barred from the mails; the fifth Communist paper to be curbed thus in recent weeks. It is the official organ of the Labor Sports Union of America.

TEN-YEAR TERMS FOR ANTI-WAR LEAFLET

"Membership in the Young Communist League is seditious, according to a verdict by a Philadelphia jury against Tess Ryder and Anna Lynn, convicted there Feb. 5. They have been sentenced to serve from 10 to 20 years in prison. The indictment specified that they unlawfully joined the League, 'of which the policies and purposes are seditious.'

"Both were arrested Jan. 12 while handing copies of a leaflet to National Guard members, urging them to attend an anti-war meeting and to 'fight with all other workers against the preparations for a new imperialist war.'

"The case will be appealed. This makes eight convictions for alleged sedition in Pennsylvania in five years.

#

MODEL ANTI-INJUNCTION BILL DRAFTED

"A model anti-injunction bill for state legislatures now in session has just been sent to state labor federations by the National Committee on Labor Injunctions, headed by former Judge Charles F. Amidon of North Dakota. The measure

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was drafted by attorney Nathan Greene of New York. It follows closely the lines of the federal injunction bill now before the Senate, and bars court interference with strikes and picketing unless violence is proved.

"Injunction bills embodying these principles have been introduced in Tennessee, Missouri, Massachusetts, Pennsylvania and Illinois. Similar bills will be introduced in New York, New Jersey, Wisconsin and North Dakota.

#

TWIN CITIES DAILIES APATHETIC TOWARD PROTEST

"Twin Cities newspapers gave little attention to the remarkable demonstration by the unemployed in the House of Representatives in St. Paul on Feb. 10. A correspondent there says that not one daily in the two cities used the story on the front page; it appeared mostly on the sixth or eighth page, usually under vague headlines. Yet when several hundred Communist-led persons had surged into the House, pushing aside the doorkeepers, the Speaker declared a recess and turned over the rostrum to the spokesmen for the crowd, who voiced demands for relief for two hours.

"The Speaker's action was an excellent way to handle such a situation," the American Civil Liberties Union declares."

BULLETIN #445, February 27, 1931 EXHIBIT #37-G

"84 ARRESTED IN UNEMPLOYMENT DEMONSTRATIONS

"Communist demonstrations in behalf of the jobless on Feb. 25--'International Unemployment Day'--met with police resistance in eight cities. Arrests totaled more than 84. Five men and three women were arrested on Boston Common, where 3,000 had gathered; 28 persons were jailed in Pittsburgh; 27 arrested in Seattle, where the police seized an American flag; two in Scranton, Pa.; five in Dallas, Texas; several in Houston; three in Elizabeth, N. J.; four in Oklahoma City.

"Following an unemployment meeting in Minneapolis, several hundred men and women smashed the windows of a grocery and meat market, and made away with bacon, ham, fruit, and

canned goods. One of the store owners drew a revolver in an attempt to keep out the mob but was knocked down and suffered a broken arm. Seven persons were arrested by the police as leaders.

"Four thousand Communists held a two-hour meeting in Union Square, New York City, without interference; and orderly meetings also were held in Trenton, N. J., Kansas City, Reading, Pa., St. Louis, Philadelphia, Denver, and Council Bluffs, Iowa.

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LOS ANGELES POLICE DESTROY CO-OPERATIVE CENTER

"Wanton destruction of the Co-operative Center in Los Angeles by city policemen on Feb. 18 will be followed by a heavy damage suit against the municipality by the Co-operative Consumers' League, which owns the wrecked building. The vandalism by the police occurred on an evening when William Z. Foster, national secretary of the Trade Union Unity League, was scheduled to speak.

"Foster had intended to speak in Walker Auditorium, but many patrolmen came and called off the meeting, arresting eight who had been decorating that hall, on suspicion of criminal syndicalism.

"Prevented from gathering there, an audience went to the Co-operative Center. Here also they found a large number of policemen, and soon the police began throwing gas bombs, one of which landed in the restaurant of the center, amid 150 people. Shortly afterward the police began a systematic destruction of the Center which included an auditorium, Jewish folk school, workers' sport club, and library. They broke dishes in the kitchen, chairs, windows, lighting fixtures, and tore down curtains and pictures.

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CONVICTION FOR SELLING UNEMPLOYED MAGAZINE REVERSED

"Sales of the magazine, 'The Unemployed', published by the League for Industrial Democracy in New York City, can now be

made on Pittsburgh streets without police molestation. The Pittsburgh county court reversed on Feb. 17 the conviction of Blanchard Wright for selling that periodical without a permit.

"Wright a jobless worker, was fined \$50.00 on Jan. 15 by Magistrate Rothenberg and appealed the verdict.

"This is a victory against police discrimination," says the American Civil Liberties Union. "Pittsburgh is the only city in which sales of 'The Unemployed' have been halted. The 1921 ordinance there requiring licenses for street vendors has never been applied to newspapers, the Saturday Evening Post, nor to other publications constantly sold on the streets."

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LIBERALS OPPOSE FISH COMMITTEE PROGRAM

"Opposition to all recommendations of the Fish Congressional Committee to suppress Communist activities in the United States was made in an open letter signed by 115 citizens, sent to all members of Congress on Feb. 21. The protest was made at the request of a committee of liberals acting in behalf of the American Civil Liberties Union.

"Outlawing the Communist Party is the single object of the Fish Committee; according to the letter, which says that the signers oppose the committee's program for these reasons: 1, the attempt to outlaw a political movement because of its principles violates the American tradition of civil liberty; 2, it would drive such a movement into underground conspiracy; 3, existing law adequately provides for punishing acts of violence or conspiracy against government; 4, the committee admits that the Communist Party constitutes no menace to the country in strength of numbers or activities.

"Those who signed the letter, urging that the Fish Committee proposals be permanently tabled, included William Allen White, Roy W. Howard, New York; Bishop Benjamin L. Dexter, Maine; Judge Samuel H. Silbert, Cleveland; Mrs. Alice S. Brandeis, Elizabeth Glendower Evans, Dr. Edward T. Devine, Bishop Paul Jones, Zena Gale."

BULLETIN #446, March 6, 1931

EXHIBIT #37-1

"IMPERIAL VALLEY SYNDICALISM APPEAL TO BE ARGUED

"Argument on the appeal in the Imperial Valley criminal syndicalism convictions is to be made before the Circuit Court of Appeals in Fresno, Calif., on March 10 by Attorney R. W. Henderson of Bakersfield, acting for the International Labor Defense. The American Civil Liberties Union is cooperating in the appeal.

"In that case five men who tried to organize the melon workers in the valley in 1930 are serving the longest sentences ever imposed in the United States solely for strike propaganda--3 to 42 years. Three others are serving 2 to 28 years. They were convicted under the 1919 California syndicalism law, ostensibly designed to punish only violent methods of political or industrial change.

"Four of the prisoners are members of the Communist Party. The defense contended that that party was legal, that the right of workers to organize was constitutional and did not come under the criminal syndicalism law, that alleged talk of violence actually was made by stool-pigeons employed by ranch owners.

"Shortly after the trial the American Legion commander in El Centro made a speech in which he said, according to the San Diego Star, that the trial judge was a Legionnaire, and that half the jurors were war veterans, 'What chance', he asked, 'did the Communists have?'

#

INSANITY COMMITMENT OF BOY AT PORTLAND IS APPEALED

"Efforts to release Michael Kulikoff of Portland, Oreg., who was committed to the state insane asylum for teaching radical songs to fellow-students in grammar school, are being carried to the State Supreme Court by Irwin Goodman of Portland, attorney for the International Labor Defense.

"Young Kulikoff was arrested November 7, 1930. Criminal syndicalism proceedings were first considered, but

quickly dropped. Then deportation; that idea, too, was abandoned, because the boy is a Russian and in the absence of American diplomatic relations with Russia no one can be deported to that country. Next day Kulikoff was taken before a Circuit Court judge, with only a physician present and no lawyer. On the physician's testimony he was committed for insanity, and rushed handcuffed to the asylum in Salem, 45 miles away.

"The only evidence against the boy is that he admitted Communist views and affiliations. Mr. Goodman applied for a writ of habeas corpus, but this was denied.

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CALIFORNIA RED FLAG CASE COMES UP APRIL 13

"The U. S. Supreme Court will hear argument April 13 on the appeal of Yetta Stromberg, 19, director of a Communist children's camp in San Bernardino, Calif., from a sentence of one year to 10 years for displaying a red flag. John Beardsley, Los Angeles attorney, retained by the International Labor Defense, will address the court.

"This is the first prosecution in the United States under the anti-red flag laws passed in 28 states in 1919. Miss Stromberg's appeal contends that the California red flag law violates the guarantees in the 14th amendment to the federal constitution. The high court's decision will settle the question of the constitutionality of all these 28 laws.

UNION APPEALS FOR PROTEST ON ALIEN RAIDS

"Memoranda covering the facts and the law on the recent illegal raids on aliens throughout the country, have just been sent out to a large list of liberal editors by the American Civil Liberties Union. These editors were asked to comment editorially on this official lawlessness, which is reminiscent of the Palmer raids in 1920.

Typical of the current raids, the memoranda show, are those made in New York City by Immigration Inspector John Kaba and his assistants, supported by local police. Kaba, with his men and the police, enters a hall where aliens congregate, and demands of each person present proof of his legal right to be in this country. In the absence of such proof, Kaba takes the

alien's name and immediately asks an Assistant Secretary of Labor to issue a warrant of arrest. An Assistant Secretary is present or is available at Ellis Island.

Any arrest without warrant is clearly illegal and entitles the alien to release on habeas corpus. If an alien is illegally arrested he can sue for false arrest. Forceful detention in any room amounts to arrest. Immigration agents and policemen have no right to enter premises without authority in law. If an inspector enters without a warrant of arrest or policemen enter without search warrants, they are trespassers.

"When a valid warrant of arrest for an alien has been issued, Department of Labor rules entitle him to the right of counsel. Under the law an immigration inspector may ask any question he likes of an alien prior to arrest. But the alien has a legal right to refuse to answer all questions; and if he remains consistently silent, it becomes impossible for the inspector to obtain evidence on which to base a warrant of arrest.

ANARCHIST WEEKLY BARRED FROM MAILS

"Three issues of Cultura Proletaria, an anarchist weekly published in New York City, have been barred by the postal authorities as unmailable on the ground that they contain seditious matter. The dates of the three issues are January 31, February 14 and February 21. The weekly is published by the Federation of Spanish Language Anarchist Groups in the United States.

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REPEAL OF OHIO CRIMINAL SYNDICALISM LAW URGED

"A bill for repeal of the Ohio criminal syndicalism law has been reported favorably by the judiciary committee of the state House of Representatives. It will be voted upon March 10. Opposition to the repeal has been voiced by members of the American Legion and the Daughters of the American Revolution.

"Friends of civil liberty in Ohio had been urged by the American Civil Liberties Union to write to their local

024351

Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

MEMORANDUM FOR MR. NICHOLS
RE: AMERICAN CIVIL LIBERTIES UNION, INC.
INTERNAL SECURITY - C
BUREAU FILE # 61-190-246

The attached report of Special Agent J. F. Durkin, Jr. at Washington, D. C., dated May 27, 1942 is made up of Volume I with pages 1-229, Volume II with pages 400-799 and Volume III with pages 800-1191.

It does not appear that the Bureau will have need for all five (5) copies now on hand of this report.

RECOMMENDATION:

Inasmuch as the extra copies of this report are occupying valuable space in the Records Section, it is requested that the file be reviewed by the Security Division for an expression as to the disposition of this material.

It is recommended that all but two (2) copies of the report be destroyed here at the Seat of Government.

Respectfully,

R. F. Cartwright

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 4-16-86 BY [redacted]

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11-10-87

Sample attached.

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IN PART 245

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